AUTHENTICATED
U.S. GOVERNMENT
INFORMATION
GPO

PAYING TO PLAY: IMPLEMENTATION OF FEE AUTHORITY ON FEDERAL LANDS

JOINT OVERSIGHT HEARING

BEFORE THE

SUBCOMMITTEE ON NATIONAL PARKS, FORESTS AND PUBLIC LANDS

JOINT WITH THE

SUBCOMMITTEE ON WATER AND POWER

OF THE

COMMITTEE ON NATURAL RESOURCES
U.S. HOUSE OF REPRESENTATIVES

ONE HUNDRED TENTH CONGRESS

SECOND SESSION

Wednesday, June 18, 2008

Serial No. 110-77

Printed for the use of the Committee on Natural Resources

Available via the World Wide Web: http://www.gpoaccess.gov/congress/index.html
or
Committee address: http://resourcescommittee.house.gov

U.S. GOVERNMENT PRINTING OFFICE

43-122 PDF WASHINGTON : 2009

For sale by the Superintendent of Documents, U.S. Government Printing Office
Internet: bookstore.gpo.gov Phone: toll free (866) 512–1800; DC area (202) 512–1800
Fax: (202) 512–2104 Mail: Stop IDCC, Washington, DC 20402–0001

COMMITTEE ON NATURAL RESOURCES

NICK J. RAHALL, II, West Virginia, *Chairman*
DON YOUNG, Alaska, *Ranking Republican Member*

Dale E. Kildee, Michigan
Eni F.H. Faleomavaega, American Samoa
Neil Abercrombie, Hawaii
Solomon P. Ortiz, Texas
Frank Pallone, Jr., New Jersey
Donna M. Christensen, Virgin Islands
Grace F. Napolitano, California
Rush D. Holt, New Jersey
Raúl M. Grijalva, Arizona
Madeleine Z. Bordallo, Guam
Jim Costa, California
Dan Boren, Oklahoma
John P. Sarbanes, Maryland
George Miller, California
Edward J. Markey, Massachusetts
Peter A. DeFazio, Oregon
Maurice D. Hinchey, New York
Patrick J. Kennedy, Rhode Island
Ron Kind, Wisconsin
Lois Capps, California
Jay Inslee, Washington
Mark Udall, Colorado
Joe Baca, California
Hilda L. Solis, California
Stephanie Herseth Sandlin, South Dakota
Heath Shuler, North Carolina

Jim Saxton, New Jersey
Elton Gallegly, California
John J. Duncan, Jr., Tennessee
Wayne T. Gilchrest, Maryland
Chris Cannon, Utah
Thomas G. Tancredo, Colorado
Jeff Flake, Arizona
Stevan Pearce, New Mexico
Henry E. Brown, Jr., South Carolina
Luis G. Fortuño, Puerto Rico
Cathy McMorris Rodgers, Washington
Louie Gohmert, Texas
Tom Cole, Oklahoma
Rob Bishop, Utah
Bill Shuster, Pennsylvania
Bill Sali, Idaho
Doug Lamborn, Colorado
Mary Fallin, Oklahoma
Adrian Smith, Nebraska
Robert J. Wittman, Virginia
Steve Scalise, Louisiana

James H. Zoia, *Chief of Staff*
Rick Healy, *Chief Counsel*
Christopher N. Fluhr, *Republican Staff Director*
Lisa Pittman, *Republican Chief Counsel*

SUBCOMMITTEE ON NATIONAL PARKS, FORESTS AND PUBLIC LANDS

RAÚL M. GRIJALVA, Arizona, *Chairman*
ROB BISHOP, Utah, *Ranking Republican Member*

Dale E. Kildee, Michigan
Neil Abercrombie, Hawaii
Donna M. Christensen, Virgin Islands
Rush D. Holt, New Jersey
Dan Boren, Oklahoma
John P. Sarbanes, Maryland
Peter A. DeFazio, Oregon
Maurice D. Hinchey, New York
Ron Kind, Wisconsin
Lois Capps, California
Jay Inslee, Washington
Mark Udall, Colorado
Stephanie Herseth Sandlin, South Dakota
Heath Shuler, North Carolina
Nick J. Rahall, II, West Virginia, *ex officio*

John J. Duncan, Jr., Tennessee
Chris Cannon, Utah
Thomas G. Tancredo, Colorado
Jeff Flake, Arizona
Stevan Pearce, New Mexico
Henry E. Brown, Jr., South Carolina
Louie Gohmert, Texas
Tom Cole, Oklahoma
Bill Sali, Idaho
Doug Lamborn, Colorado
Robert J. Wittman, Virginia
Don Young, Alaska, *ex officio*

SUBCOMMITTEE ON WATER AND POWER

GRACE F. NAPOLITANO, California, *Chairwoman*
CATHY McMORRIS RODGERS, Washington, *Ranking Republican Member*

Jim Costa, California
George Miller, California
Mark Udall, Colorado
Joe Baca, California
Nick J. Rahall II, West Virginia, *ex officio*
Vacancy

Ken Calvert, California
Doug Lamborn, Colorado
Mary Fallin, Oklahoma
Adrian Smith, Nebraska
Don Young, Alaska, *ex officio*

CONTENTS

	Page
Hearing held on Wednesday, June 18, 2008	1
Statement of Members:	
Grijalva, Hon. Raúl M., a Representative in Congress from the State of Arizona	1
Prepared statement of	3
McMorris Rodgers, Hon. Cathy a Representative in Congress from the State of Washington	5
Napolitano, Hon. Grace F., a Representative in Congress from the State of California	4
Prepared statement of	5
Statement of Witnesses:	
Benzar, Kitty, President, Western Slope No-Fee Coalition	39
Prepared statement of	41
Dolesh, Richard J., Senior Director of Public Policy, National Recreation and Park Association	47
Prepared statement of	49
Eskridge, Hon. George E., State Representative, District 1-B, Idaho House of Representatives	29
Prepared statement of	31
Regula, Hon. Ralph, a Representative in Congress from the State of Ohio	6
Prepared statement of	8
Rey, Mark, Under Secretary, Natural Resources and Environment, U.S. Department of Agriculture	11
Prepared statement of	13
Scarlett, P. Lynn, Deputy Secretary, U.S. Department of the Interior	10
Prepared statement of	13
Wade, J.W. "Bill," Chair, Executive Council, Coalition of National Park Service Retirees	51
Prepared statement of	53
Wiechers, Peter, Kernville, California	59
Prepared statement of	61

OVERSIGHT HEARING ON "PAYING TO PLAY: IMPLEMENTATION OF FEE AUTHORITY ON FEDERAL LANDS"

Wednesday, June 18, 2008
U.S. House of Representatives
Subcommittee on National Parks, Forests and Public Lands, joint with the Subcommittee on Water and Power
Committee on Natural Resources
Washington, D.C.

The Subcommittees met, pursuant to call, at 10:04 a.m. in Room 1324, Longworth House Office Building, Hon. Raúl M. Grijalva [Chairman of the Subcommittee on National Parks] presiding.

Present: Representatives Grijalva, Napolitano, DeFazio, Capps, Inslee, McMorris Rodgers, Bishop, and Sali.

STATEMENT OF THE HONORABLE RAÚL M. GRIJALVA, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF ARIZONA

Mr. GRIJALVA. Let me call the Subcommittees to order. It is an oversight hearing on the implementation of fee authority on Federal lands.

We all own our national parks, forests, wildlife refuges, historic sites, monuments, recreation areas, and conservation areas. We all own them, and they are all important to the American people and to the taxpayer. We pay for their care, upkeep, and management through our taxes.

So let me say, first, that I firmly believe that the American public should not have to pay additional fees to have access to our world-class system of parks, forests, refuges, and public lands. Whether it be listening to a ranger program in a National Park, hiking the wilderness, or enjoying a picnic in the woods in a National Forest, these activities have traditionally been free to the public, and they are part of why we love to visit these special places.

However, despite our congressional obligation to fully fund all of the needs of our public land management agencies, recent budgets have failed to prioritize the stewardship of these unique places, and years of underfunding have led to maintenance backlogs, lack of services, and shortages in project and operating funding.

In light of these constant shortfalls, we have turned to recreation fees to supplement the funding of our Federal lands, and our land management agencies have come to rely on these fee revenues for

the maintenance of the lands that they manage, yet this is an imperfect solution and one that has become increasingly controversial with critics on both sides of the political aisle.

So it is my intent today to explore how the fee programs on Federal lands are being implemented, something that I believe is long overdue, and to examine why fees have become so controversial.

When the Fee Demonstration program was enacted in 1996 as a rider to an appropriations bill, we were told that this was a trial program. "Fee Demo," as it came to be known, would test the feasibility of permitting the National Park Service, the U.S. Fish and Wildlife Service, the Bureau of Land Management, and the U.S. Forest Service to charge fees for a wide variety of uses. These fees would then be kept at the collection site and go toward much needed repairs and services that had gone underfunded.

While many responded favorably to the Fee Demo program, there were troubling problems with the implementation and the establishment of these fees. So when the Federal Lands Recreation Enhancement Act was passed in 2005 to replace Fee Demo, and, again, it was done without debate as an appropriations rider, we were assured that the agencies had learned their lessons. We were told that the act included the best practices learned over eight years of experiments, mistakes, and, ultimately, experience under the Fee Demo program.

However, while there is little doubt that the $2 billion in fee revenue generated since 1997 has been enthusiastically received by the agencies and that fees have given hope to agencies which had watched their proposed budget gaps widen, these advances have come at a cost.

Many contend these fees are not only a double tax on the recreating public, but they are also unfair, inconsistent, and confusing. Further, critics assert that fees discriminate against lower income people, rural residents, and low-impact recreational users.

Of specific concern to me today as well is how fees are being managed on the Forest Service lands. Administrative difficulties, questions on where and why certain fees are charged, strong public resistance, and lawsuits seem to have plagued the Forest Service's implementations of the fee program.

Today, we will hear from witnesses who will share their frustrations with the system and, specifically, with the act's lack of transparency in setting fee rates and in imposing new fees and their lack of physical accountability.

We will also hear that, although there are names for the types of fees that have been charged, the act has not addressed the underlying problems with these fees, and this has simply compounded public confusion and frustration with the Forest Service Fee program.

In fact, over the past two weeks, since the announcement of these hearings, we have been flooded each day with testimonials from citizens all over the West calling for repeal of this act. I thank all of those folks that took time to contact us, and I recognize their concerns.

After 11 years of charging recreation fees, I would have hoped that we would be beyond these issues, yet it is obvious that we are not.

I would also like to thank our witnesses for traveling from around the country to be here today to share their expertise. It is invaluable to this Committee and to its deliberation on this act.

I would like to, at this point, recognize my friend and colleague, Chairwoman Napolitano of the Water and Power Subcommittee, for any opening statement she may have. Chairwoman?

[The prepared statement of Mr. Grijalva follows:]

Statement of The Honorable Raúl M. Grijalva, Chairman, Subcommittee on National Parks, Forests and Public Lands

We all own our national parks, forests, wildlife refuges, historic sites, monuments, recreation areas and conservation areas. We pay for their care, upkeep and management through our taxes. So, let me say first, that I firmly believe that the American public should not have to pay additional fees to have access to our world class system of parks, forests, refuges and public lands—whether it be listening to a ranger program in a national park, hiking the wilderness, or enjoying a picnic in the woods in a national forest.

These activities have traditionally been free to the public and they are part of why we love to visit these special places.

However, despite our Congressional obligation to fully fund ALL of the needs of our public land management agencies, recent budgets have failed to prioritize the stewardship of these unique places. And years of underfunding have led to maintenance backlogs, lack of services, and shortages in project and operations funding

In light of these constant shortfalls, we have turned to recreation fees to supplement the funding of our Federal lands—and our land management agencies have come to rely on these fee revenues. Yet, this is an imperfect solution, and one that has become increasingly controversial—with critics on both sides of the political aisle.

So, it is my intent today to explore how the fee programs on federal lands are being implemented—something that is long overdue—and to examine why fees have become so controversial.

When the Fee Demonstration Program was enacted in 1996—as a rider to appropriations bills—we were told that this was a "trial program." Fee Demo, as it came to be known, would test the feasibility of permitting the National Park Service, the U.S. Fish and Wildlife Service, the Bureau of Land Management and the U.S. Forest Service to charge fees for a wide variety of uses. These fees would then be kept at the collection site and would go towards much needed repairs and services that had gone unfunded.

While many responded favorably to the Fee Demo Program, there were troubling problems with the implementation and establishment of these fees.

So, when the Federal Lands Recreation Enhancement Act was passed in 2005 to replace Fee Demo—and, again it was done without debate, as an appropriations rider—we were assured that the agencies had learned their lessons. We were told that FLREA (Fla-ree-uh) included the best practices learned from eight years of experiments, mistakes and ultimately, experience, under the Fee Demo Program.

However, while there is little doubt that the $2 billion in fee revenue generated since 1997 has been enthusiastically received by the agencies, and that fees have given hope to agencies which had watched their proposed budget gaps widen, these advances have come at a cost.

Many contend that these fees are not only a double tax on the recreating public, but that they are also unfair, inconsistent and confusing. Further, critics assert that fees discriminate against lower-income people, rural residents and low impact recreational users.

Of specific concern to me today as well, is how fees are being managed on Forest Service lands. Administrative difficulties, questions on where and why certain fees are charged, strong public resistance and lawsuits seem to have plagued the Forest Service's implementation of the fee program.

Today we will hear from witnesses who will share their frustrations with this system and specifically with the Forest Service's lack of transparency in setting fee rates and imposing new fees, and their lack of fiscal accountability. We will also hear that although the names of the types of fees have changed, FLREA has not addressed the underlying problems with those fees—and that this has simply compounded public confusion and frustration with the Forest Service Fee Program.

In fact, in the past two weeks, since the announcement of this hearing, we have been inundated each day with testimonials from citizens all over the West calling

for the repeal of FLREA. I thank all of the folks that took the time to contact us, and I recognize their concerns.

After 11 years of charging recreation fees, I would have hoped that we would be beyond these issues. Yet it's obvious that we are not.

I would also like to thank all of our witnesses for traveling from around the country to be here today to share their expertise. It's invaluable to this committee as well.

I would now like to recognize my friend and colleague Chairwoman Napolitano of the Water and Power Subcommittee for any opening statement she may have.

STATEMENT OF THE HONORABLE GRACE F. NAPOLITANO, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF CALIFORNIA

Mrs. NAPOLITANO. Thank you, Mr. Chairman. It is a pleasure being here, and thank you for the opportunity to be part of this hearing. I am very interested in what is happening in our parks as it relates to water also and, of course, the fees because for many years I was one of those who had a large family and would travel to some of the great recreation sites we offer, and they were free.

I doubt that I may have been able to afford them, with five children and having to pay additional costs to be able to travel in those areas.

My children now have their own families, and they still go out and recreate, and, as I speak, I have a daughter and her family out on the Colorado River enjoying boating and some other great recreation sites that are available to them.

I trust that we will continue to be able to make affordable and accessible to people who do not have a large amount of income to spend, given what we are facing right now in the budget crisis, with the price of gasoline, not many people are traveling much.

My concern is not only what is happening, in terms of the accountability or across-the-board fee charges for the use of our parks; as I have always mentioned, our taxes have paid for it. Now, if Congress has not appropriated enough funding to be able to pay for the infrastructure, for the personnel, for the renovation of roads, et cetera, then I think the system needs to be able to be funded on a permanent basis. I would hope that maybe we could look at that in the future.

But as we move on, I have other concerns that I would like to bring out during this hearing, and I thank the Chairman for allowing me to be here. These concerns include climate change and how it is affecting dams, rivers, and waterways because these changes affect mammals and fish. There may not be enough food for them, partly because we are finding out that there is one invasive species that is eating a lot of the food chain, and that is the quagga mussel.

How is it that you will be dealing with it if it is already rearing its ugly head in those areas where you have jurisdiction, and what if you do have to begin to clean up those areas, and what funds are you going to be able to have to use it? Are you going to charge more fees to be able to address the cleanup of your intake pumps, et cetera, et cetera? And how is that going to affect the ability to attract the tourism if you may not have a good, vibrant seafood chain that people can go in and enjoy?

Those are some of the areas that I have in mind, and it is going to be a tough balance keeping our water supply safe and having families, much like mine, be able to enjoy the recreation areas.

We need to continue to protect our sites. I know I was in Puerto Rico several years ago, and a Forest Service person there indicated to me that they were in bad need of funding to be able to do a lot of the infrastructure repair, and, of course, they were very, very strung out, in terms of personnel.

So I do have some grave concerns, and I thank you, Mr. Chairman, for allowing me to be part of this because I do have a great interest in our parks.

[The prepared statement of Mrs. Napolitano follows:]

Statement of The Honorable Grace Napolitano, Chairwoman, Subcommittee on Water and Power

Thank you Chairman Grijalva for hosting this hearing with the Water and Power subcommittee.

Recreation has always been a part of my family's life and I can still remember my five grown children when they were just kids, wanting to water ski, kayak and swim in the Salton Sea. They have their own families now and have blessed me with 14 grandkids, but it was a highlight for my family to be on the water, in the summer, enjoying our public lands.

There hasn't been any oversight on the Federal Lands Recreation Enhancement Act (FLREA) since its inception and our role today is to find our more National Park Service Sites that are next to Reclamation facilities. I want to learn more about interaction of recreation on water supply. And if we charge fees at those NPS sites, I would like to know where those fees go.

It's a tough balance to in keeping our water supply safe while having families, like mine, all over the country enjoying our recreation areas. I also want to make sure that the fees don't prevent families from enjoying our public lands. Recreation at our lakes should never stop, but we must be aware of how we use tax payer dollars and site fees to protect and enhance recreation also protect our water supply.

Mr. GRIJALVA. Thank you very much. Let me now ask the Ranking Member, our colleague of the Water and Power Subcommittee, Representative McMorris Rodgers, for any opening comments she may have.

STATEMENT OF THE HONORABLE CATHY McMORRIS RODGERS, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF WASHINGTON

Mrs. MCMORRIS RODGERS. Thank you, Mr. Chairman, and good morning, Madam Chairwoman.

Today's hearing is about assessing the Federal Lands Recreation Enhancement Act, and important questions will be asked about whether this act is working to expand visitor use and who it is impacting.

The fees covered in this act affect one out of 289 Bureau of Reclamation areas managed for developed recreation. The Bureau's core mission is to deliver water and power resources and protect the environment, and, in my opinion, it has, smartly, contracted much of its recreational duties to other Federal, state, and local entities.

There are questions about how these partners manage the resource with these fees behind the Bureau of Reclamation's dams, particularly at Lake Mead National Recreation Area. I look forward to hearing some answers about fee implementation.

This is an important parks-and-leisure hearing, but I would also like to raise the important issue of protecting our forests, water, and recreational facilities from catastrophic wildfires. The fire season has already started. Entire communities and regional water supplies are being put at risk because this Congress has not recognized that we must do something to proactively manage our forests.

I sincerely hope we can have a joint hearing very soon on this matter. Our communities need to be assured that Congress is working on all of these issues. Thank you, Mr. Chairman.

Mr. GRIJALVA. Thank you, and let me welcome our colleague, Mr. Regula, the original sponsor of the FLREA Act. Thank you very much for taking the time to be with us, and I am looking forward to your comments, sir.

STATEMENT OF THE HONORABLE RALPH REGULA, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF OHIO

Mr. REGULA. Thank you, Mr. Chairman, and I congratulate you for having his hearing. I think we do not do enough oversight in the Congress on not only this, but a lot of other programs to find out if they are working, and, if not, what can be done to make them work better.

I was involved with this. I was Chairman of Interior Appropriations, and we were faced with the fact that there was an over $2 billion shortfall in maintenance, and I think probably this is brought home so clearly in the Washington Post today, the front page story, "America's Unkempt Front Yard." If we cannot even take care of the maintenance on the Mall in our Nation's Capital, which is a showcase, if you will, with the monuments and so on, what are we doing on the lesser-known parks?

They point out here that the Park Service said they need $350 million in deferred maintenance, and they will, hopefully, get out of the bill this year maybe $100 million.

I think this is what certainly motivated me, when I was Chairman of the Committee, and I would hear these horror stories about maintenance and how they just did not have the money. We developed the fee program to address that. Now, we tried to put in conditions that the money had to pretty much stay in the park or the public land facility that generated the fee, and it had to be used for maintenance. You could not build visitor's centers or anything else. There needed to be maintenance: trails, campsites, some health and safety facilities.

I remember so well, we were at Yellowstone, and my wife used the restroom, and when she came out, she said, "That is awful. That place was badly in need of maintenance," and this is Yellowstone. This is a flagship park. But that is just one example, and there are a lot of others, and we established this program.

Unanimous consent to submit my statement for the record, and I will not go into all of it.

What we wanted to do was to address this problem, and I have to say that, as I traveled, as Chairman of Interior Appropriations, every place we would go the person who was in charge of maintenance would come up and say, "Thank God for this program. I was

letting things go that now I can take care of because I have a little bit of funding," and they were so happy to get this.

I remember Muir Wood said, "Our trails are in terrible condition." With the rec. fees, and they are not a lot—it is a very small amount, everything considered—we can do the maintenance, or, at least part of what we need to do. The importance of that, again, is illustrated by this story in the Post this morning, front page.

I think maybe it needs some tweaking, but I think the program itself is essentially right, and it is necessary because we simply do not get the money in the Appropriations Committee, and it is not just this.

I was on, for several years, the Smithsonian Board, and they had the same problem. At every meeting, the Secretary would say, "We have over $2 billion of deferred maintenance in the Smithsonian, and what are we going to do to take care of it?" You do not get major contributions from anybody to fix restrooms. You might get it to build buildings with their name on it, but not to fix up the facilities.

Now, that is one dimension, and when we drafted this legislation, we wanted to make sure that the money went back into maintenance. That is part of the law. The surveys show that about 80 percent of the public are happy to do this.

I used to tell the park superintendents, "Put up a big sign that says, your fee, whichever it was, which is small, is being used, in this park, for maintaining the facilities that you are going to use." And I think that people understand that. That is why the surveys show that about 80 to 85 percent of the people are very supportive.

I have to point out that we made sure this did not mandate a specific fee level because some parks have greater maintenance challenges than others, so we leave that to the land management agencies, and no requirement for anyone to purchase a national pass to visit a local National Park.

Third, it does not privatize land management. It simply says, "Here is some funding, a small amount that people pay on their way in, to help with maintaining the facilities that they hope to enjoy."

Now, we got an unintended benefit from this, which I was kind of surprised to learn of, and that is the park superintendents that I have talked to told me that their vandalism decreased once they put in a fee schedule, and the reason is that everybody that went through the gate, somebody knew they were in there, whereas when you just drive in, there was not that kind of supervision, if you will, or knowledge.

It came home to me when I visited a forest facility just outside of Los Angeles, which really became the Los Angeles City Park, in effect, because there is such a huge population base there, and this was right on the edge of Los Angeles. I was out there to visit. They put in a beautiful area for people, with places to play for kids, and they put in the grills where people could have family picnics. It was really very well done.

The night before we were there, somebody had come in with one of these pickups, if you want to call them that, with huge tires, obviously. I cannot understand the mind-set of people like that, but they came in, and this was before they were charging any fees

there, they came in and just drove over and smashed all of this equipment that was put in for the people to enjoy out of Los Angeles.

I thought, what a tragic waste, and how important this is to the people that live there. If there would have been just a modest fee, a couple of bucks, for them to go in there, then the people at the gate would have known who went in there with a vehicle with the huge tires, and it would not have happened. That is the bottom line.

So I think the vandalism issue, where it is difficult to qualify, when I talked to park superintendents when I was the Chairman and visited them, they, without exception, said, "We had a reduction in vandalism as a result of our fee program."

I think it has produced over $2 billion of money that has gone back into making the visitors' experience better and more satisfactory. I think it has worked well, and it is, I think, important for you to take a look at it, but I hope you do not propose to abandon it because, certainly, the evidence is very strong, and I think you will hear from the people in the Interior Department that have the jurisdiction of all of these agencies how important it is.

I thank you for the opportunity to testify today.

[The prepared statement of Mr. Regula follows:]

Statement of The Honorable Ralph Regula, a Representative in Congress from the State of Ohio

Thank you, Mr. Chairman, for the opportunity to submit testimony to this committee regarding the Recreation Fee Program.

The Federal Lands Recreation Enhancement Act, FLREA, is a program that was established to address quickly degrading facilities and trails on public lands. Before this program was established, the high-quality experience that the American people had associated with some of our most treasured lands was eroding as quickly as the visitor facilities, trails, roads, rest areas, signs, and safety equipment that countless visitors came in contact with everyday. Maintaining and enhancing our national parks, forests and other federal recreation areas is not easy or inexpensive. As demands exceeded available funding, unfortunately, we in Congress too often deferred routine maintenance and postponed improvements which in turn degraded the recreation experience for our constituents. This act was established as a solution to the problem.

In 1995, when I became Chairman of the House Appropriations Subcommittee on Interior, I decided to do something about the deteriorating conditions in our national parks, forests, wildlife refuges and BLM lands. As part of this effort, I established a demonstration program to charge nominal fees and use the revenue for maintenance and improvements at the site where they were collected. Specifically, no less than 80 percent of the revenue collected would stay at the site and would go towards needs identified by visitors. In 2004, this demonstration program became law and today is known as the Federal Land Recreation Enhancement Act.

Mr. Chairman and Members of the Committee, I am a strong supporter of FLREA, however I understand the need review the program and make improvements to it. If we expect Americans to spend money to take their families to our lands, the fees must be fair, equitable, consistent and convenient. As Representatives, we have the responsibility to maintain our public lands while at the same time ensuring Americans that when they visit the Federal recreation sites they will be receiving a service that is worth their hard earned money. However, we also must recognize the support that program receives as well. Recent agency led surveys have shown that this program enjoys a great deal of support. The Bureau of Land Management (BLM) has found that 80% of its visitors surveyed believed the fees charged were appropriate. Recently, the U.S. Forest Service found that 83% of its visitors felt the fee they were charged was reasonable. Within the National Park Service, 90% of the visitors surveyed were satisfied with the value of the entrance fee. I feel these impressive numbers show that this program is successful in balancing the needs of our lands, our citizens, and their experience on those lands.

Next, I would like to take this time to clear up several misconceptions about this law:

- This program does not mandate a specific fee level. Each fee is determined by the land management agencies, based on a number of factors, including the value of the visitor experience and the level of federal investments. In fact, this program establishes a fee structure so that fees are more uniform from site to site.
- There is no requirement for anyone to purchase a national pass to visit a local national park or forest. While the program does give people the option of purchasing one pass to visit all sites, it also provides for an annual site-specific agency pass as well as regional passes. This is done to give the visitor more choices.
- This program does not privatize land management. On the contrary, this program empowers public land managers, giving them additional resources to do their jobs better.

The funds generated from the program are critical to the land agencies ability to provide meaningful and efficient recreation experiences to the public. If services were cut back the aesthetic beauty and appeal of these lands would be lost. We have made significant strides in reducing the maintenance backlog, improving our public recreation lands and managing fees since the implementation of FLREA. We must continue on this path to ensure that decades from now Americans can continue to benefit from the natural beauty our nation's lands have to offer. Thank you for allowing me to share my thoughts with you today on this issue.

Thank you for holding this oversight hearing. I hope that you will take away from it the value that Americans receive from the FLREA. They are both the landowners and users of these lands. The small fees they pay to use the resource is clearly invested back to further improve their experience on these lands. I appreciate the opportunity to share my thoughts with you on this issue.

Mrs. NAPOLITANO [presiding]. Thank you, Congressman Regula. It is a pleasure seeing you, and thank you for your testimony. I could not agree with you more, with the exception that if we start charging for everybody, even those families who might have young vandals might learn to appreciate what they have. At least, some of them might eventually, as they grow older, understand the value to their growing families for recreation since there is very little recreation left.

Mr. REGULA. Well, I would hope that, wherever they set up a schedule, they would make accommodation for students, for children, for senior citizens, and they can structure it any way they choose. I suspect a lot of them do, as a matter of fact, put those exceptions in their schedules.

Mrs. NAPOLITANO. Well, thank you very much for your testimony. The Chairman had to go vote. He will be right back. I appreciate your being here, and we will move on to our panel.

As they move on to us, we have Lynn Scarlett, Deputy Secretary in the Department of the Interior, and Mr. Mark Rey, Under Secretary, Natural Resources and Environment, from the Department of Agriculture. As they are moving up, I have been asked to share that it is an honor to have both Under Secretary Ray and Deputy Secretary Scarlett here. You honor us with your presence, and we certainly appreciate your being here to talk to us about the issue that is being covered today.

With that, we will ask Ms. Lynn Scarlett, Deputy Secretary, Department of the Interior, to begin her testimony.

STATEMENT OF P. LYNN SCARLETT, DEPUTY SECRETARY, U.S. DEPARTMENT OF THE INTERIOR

Ms. SCARLETT. Thank you very much, Chairman Grijalva, Chairwoman Napolitano, and Members of the entire Committee. Thank you for this opportunity to discuss the Federal Lands Recreation Enhancement Act.

I would like also to spend a moment publicly thanking our Bureau Recreation Fee Team, some of whom are here today, for their absolutely outstanding work. These are truly dedicated professionals, with whom I have worked closely, and I just wanted to acknowledge them.

Since it was instituted as a demonstration program, the Recreation Fee program has provided an immediate and flexible source of funding fundamental to providing outstanding visitor opportunities on public lands. Fees have been charged at many parks throughout their history, but the difference is that that fee money went directly to the Federal Treasury. Fee revenues now stay in our parks, on our refuges, and at our other public lands.

The vast majority of public lands remain free to the public with no entrance or standard amenity fees. Specifically, there are no charges at 99.5 percent of Bureau of Land Management lands, 78 percent of Fish and Wildlife Service sites, and 62 percent of National Park Service sites, and there are no fees anywhere for children under the age of 16.

Since Congress established it as a demonstration program in 1996, you heard Congressman Regula note that approximately $2 billion has been collected by participating agencies. These revenues have funded over 10,000 projects that improve on-the-ground facilities, conserve natural resources, enhance recreation opportunities, and expand educational opportunities.

Fees have been used for a wide variety of improvements. For example, at Lake Havasu in Arizona, the Bureau of Land Management manages 87 designated campsites along 20 miles of shoreline. Most of these sites are over 30 years old. Fee revenues have helped us to upgrade and improve them.

Museum improvements have been undertaken at the DeSoto National Wildlife Refuge in Iowa.

The National Park Service is using fee funds to upgrade all audiovisual programs and assembly areas in all parks. Orientation films will now be captioned and upgraded with assisted-listening devices.

These improvements will occur over the next two to three years for every National Park site. At Cape Romain National Wildlife Refuge, a fully accessible fishing pier was added to the extremely popular, Buckhall Recreation Area.

We continue to improve our implementation of the program. A study conducted by the University of Idaho for the Bureau of Land Management last year found that 80 percent of visitors believe fees charged were appropriate. According to another comprehensive study completed by Northern Arizona University for the National Park Service, there is broad public support for reasonable fees on public lands. Current park data show over a 90-percent satisfaction rate for the value of interest fees paid.

Under the new act, the public has a voice at the decision-making table when fees are proposed. The law introduced public participation and civic engagement requirements for all agencies in the establishment of new fees, modifying fees, and designating new fee areas.

Through the establishment of a single, interagency, "America the Beautiful—National Parks and Federal Recreation Lands Pass," last January 2007, visitors can how travel among sites managed by five separate agencies using a single pass. Since its introduction, we have sold over one million of these passes. We believe that the fee program has a strong record of enhancing our ability to serve as effective stewards of our magnificent public lands, and I would be happy to answer any questions you might have. Thank you very much.

Mrs. NAPOLITANO. Thank you very much. Thank you, Ms. Secretary. Mr. Mark Ray.

STATEMENT OF MARK REY, UNDER SECRETARY, NATURAL RESOURCES AND ENVIRONMENT, U.S. DEPARTMENT OF AGRICULTURE

Mr. REY. Thank you, Madam Chairman. Our experience with the fee program is very similar to the Department of the Interior's. For instance, in Sabino Canyon, in the Coronado National Forest, in Chairman Grijalva's district, funds are being used to repair the heavily used picnic areas and visitor centers.

In order to help combat the mountain pine beetle epidemic, funds paid for 2,500 pheromone pouches which were distributed by volunteers throughout the campgrounds on the Wasatch-Cache National Forest in Congressman Bishop's district. Wheelchair-accessible tables and accessible trails are being built on the Coleville National Forest in Congresswoman McMorris's district.

We are continually working to improve this program. One aspect that has received increased scrutiny within the Forest Service is the management of areas which receive high concentrations of visitor use, termed "High Impact Recreation Areas." Examples include the heavily used canyons surrounding Los Angeles and San Diego on the Angeles and Cleveland National Forests in your district, Madam Chairman, in Southern California.

The revenues from the fees collected allowed the Forest Service to provide security, clean restrooms, pick up trash, remove litter and graffiti, provide visitor information and services, and to increase visitor use in the face of those improvements, with those fees being charged.

Without responsible management, these areas would be degraded by excessive traffic and trash. Nevertheless, we are continuing to assess these operations, from the visitor's perspective, in order to ensure that the public is not paying fees where appropriate services are not present.

Retention of fee authority is paramount to our ability to maintain and manage our Federal lands and effectively address the deferred-maintenance backlog on our National Forests and other Federal lands. As visitor demand increases, these efforts require a reliable and ready source of funding that allows us to respond quickly.

Recreation fee revenues are a critical source of such supplemental funding.

Visitors to our Federal lands are telling us they understand that they benefit directly from the recreation fees program and are supportive. Deputy Secretary Scarlett gave you some of the survey data to that end.

Under the legislation, the public has a voice at the decision-making table when fees are proposed. For example, there is the engagement of the Forest Service and the Bureau of Land Management Advisory Committees, collectively known as "Recreation Resource Advisory Committees."

These committees are composed of a diverse group of stakeholders who represent a wide range of interests, including recreation, environmental tourism, and tribal and local government interests. They are a forum for the public to work with the Forest Service and BLM to review and provide feedback on agency proposals to establish new recreation fees and make changes to existing fees.

These committees are a model of productive partnerships. As partners in the process, these committees are examining each agency proposal thoroughly, offering input, and helping to ensure the agencies carefully consider public concerns, issues, and questions when developing fee proposals.

Further promoting increased public engagement, the act provides opportunities for local entities to partner with Federal agencies to develop and manage projects. At the South Fork of the Snake River in Idaho, in Congressman Sali's district—I understand he will be here shortly—an interagency working group was formed with local, state, and Federal representatives to develop a fee for 10 sites spread along a 62-mile stretch of the river, and that effort has proceeded successfully.

Madam Chairman, we welcome your oversight of this program. It is overdue and something that involves a dialogue that is beginning and should continue.

I would like to respond directly to three concerns that I heard among your opening statements, first, that these areas used to be free, historically, and now fees are being charged.

The Park Service first started charge fees in 1908 at Mount Rainier National Park, eight years before there was a Park Service. Those fees were authorized in the Roosevelt administration. The Forest Service charged campground fees, beginning in 1949, in the Truman administration. The Bureau of Land Management has had authority to charge recreation fees on public lands since 1965, in the Johnson administration, and we have been operating variations of this program since 1996, when Congressman Regula started the Rec. Fee Demo program.

Today, the average daily use fee, the average overnight camping fee, and the average annual pass are lower for the Federal agencies than for most of the state park systems in the states that you represent, particularly the Arizona State Park System.

The second concern I heard is the broad public rejects these fees. As you heard from the survey research provided by Secretary Scarlett, the majority of the public, a supermajority of the public,

supports these fees as long as they can see the benefits that the fees generate on the ground, on the sites they use.

It is unfortunate that, after 12 years, there is still controversy over this. But I have also looked at survey research involving the Panama Canal. Today, 30 years after the transfer of the Panama Canal, more people still oppose that than oppose recreation fees on the National Forests. I dare say, you are going to hear from some of that majority in the testimony today.

The third concern I heard was that there was no public debate, no congressional debate, before this was enacted. True, this legislation was enacted as an appropriations rider. It is also true that the Forest Service's Organic Statute was part of an appropriations rider in 1897. Without that rider, we would not have National Forests to be arguing over today.

The fact is, though, from 1996 to present, there were numerous congressional hearings and almost annual floor debates in the House of Representatives, led by Congressman DeFazio, debating whether there should be a fee program. So this issue has not been sort of snuck out there without a lot of congressional involvement, and I welcome the continued involvement represented by this hearing today. Thank you.

[The joint prepared statement of Ms. Scarlett and Mr. Rey follows:]

Joint Statement of P. Lynn Scarlett, Deputy Secretary, U.S. Department of the Interior, and Mark Rey, Under Secretary for Natural Resources and Environment, U.S. Department of Agriculture

Chairman Grijalva, Chairwoman Napolitano and Members of the subcommittees, thank you for inviting the Department of the Interior (DOI) and the U.S. Department of Agriculture (USDA) to appear before you today to discuss the Federal Lands Recreation Enhancement Act (FLREA). Through our collective mission, we provide the American public and visitors from around the world with outstanding recreational opportunities on our federal lands. Since the enactment of FLREA in 2004, we have made tremendous progress in accomplishing this goal. While we acknowledge ongoing challenges associated with implementing this program, we continue to address these concerns as we move to fully implement the statute.

We are continuously striving to enhance the experience of visitors to our federal lands by maintaining high-quality recreation facilities and programs. To achieve this, we rely on four principle sources of support: 1) appropriated funding, 2) recreation fees authorized under FLREA, 3) private businesses and 4) partnerships and volunteers. Since it was instituted as a demonstration program, the Recreation Fee Program has provided an immediate and flexible source of funding that is and has been a fundamental component of this sustainable funding model. In fact, FLREA funds can have a positive impact on the other sources of funding, such as providing the federal money necessary to leverage partnership dollars and facilitating volunteer work that results in on-the-ground benefits Even with the fee program in place, fees are only charged where amenities or services go beyond what is normally expected on non-fee federal lands. Moreover, the vast majority of federal lands remain free to the public with no entrance or standard amenity fees. Specifically, the locations that remain accessible to the public at no charge include:

- 99.5% of Bureau of Land Management (BLM) lands
- 78% of U.S. Fish and Wildlife Service (FWS) sites
- 62% of National Park Service (NPS) sites
- 98% of USDA Forest Service lands; 65% of USDA Forest Service developed sites

Every year, over 400 million Americans and visitors from around the world visit our national parks, national forests, wildlife refuges and BLM-managed public lands to hike, bike, fish, camp and otherwise enjoy the abundant recreation opportunities offered on our federal lands.

Since Congress established it as a demonstration program in 1996, the Recreation Fee Program has helped us to enhance the experience of visitors to our federal lands. Approximately $2 billion has been collected by participating agencies since

1996. These dollars are translating into tangible improvements in visitor services and infrastructure. They include: visitor center rehabilitation, restroom upgrades, road and trail repairs, campground improvements, historic structure enhancements, education and visitor interpretation programs, Americans with Disabilities Act (ADA) improvements and technology upgrades to improve customer services and implement state of the art reservation and trip planning services for visitors. Over the years, fee revenue has made possible over 10,000 projects to improve on-the-ground facilities, conserve natural resources, enhance recreation, expand educational opportunities and preserve our heritage.

Fees have been used for a wide variety of improvements. In Lake Havasu, Arizona, BLM manages 87 designated camp sites along 20 miles of shoreline. Most of these sites are over 30 years old and, until recently, had been poorly maintained. With the contribution of FLREA funds, old restrooms at all sites were removed and reconstructed; a free-use, two-lane watercraft launch ramp was added with new parking areas, fishing piers and picnic areas for visitors to enjoy. Additional new amenities include: cooking grills, picnic tables, shade awnings, and litter and trash pickup services. Lake Havasu has since become a very popular lake destination. Surveys and public contacts tell us visitors appreciate the significant improvements made to these sites and recognize that the fees they pay are being reinvested into the sites and facilities they use.

Fee funds are being used to rehabilitate visitor centers and for creating new exhibits at Yellowstone, Carlsbad and Mammoth Cave National Parks. In Sabino Canyon, on the Coronado National Forest, funds are being used to repair the heavily used picnic areas and visitor center. In order to help combat the mountain pine beetle epidemic, funds paid for 2500 pheromone pouches which were distributed by volunteers throughout campgrounds on the Wasatch-Cache National Forest. Wheelchair accessible tables and accessible trails are being built on the Coleville National Forest. Museum improvements at DeSoto National Wildlife Refuge in Iowa are being supported by recreation fees.

The National Park Service is using fee funds for a service wide initiative to upgrade all audio visual programs and assembly areas. Auditoriums will be retrofitted to comply with ADA standards. Orientation films will be captioned with assistive listening devices provided. These improvements will be made over the next two to three yeas for all NPS sites. At Cape Romain National Wildlife Refuge a fully accessible fishing pier was added to the extremely popular Buckhall Recreation Area. The 94 foot pier now allows all visitors to fish and crab while enjoying views from the refuge.

We are continually working to improve our program. One aspect that has received increased scrutiny within the Forest Service is management of areas which receive high concentrations of visitors, termed High Impact Recreation Areas (HIRAs). Examples include the heavily used canyons surrounding Los Angeles and San Diego on the Angeles and Cleveland National Forests in Southern California. The revenues from the fees allow the Forest Service to provide security, clean restrooms, pick up trash, remove litter and graffiti, and provide visitor information and other services. Without responsible management, these areas would be degraded by excessive traffic and trash. Nevertheless, we are continuing to assess these operations from the visitors' perspective in order to ensure that the public is not paying fees where appropriate services are not present.

NPS has set aside $4 million of fee funds per year to fund the Public Land Corp Program since 1998. This program brings students and inner city youth to the parks to work on a variety of trail and natural habitat restoration projects. At the Indiana Dunes National Lakeshore students participating in this program have helped preserve the Karner Blue Butterfly habitat and restore the Mnoké Prairie and Great Marsh. Their work has included: propagation of native plants, construction of a park greenhouse, and construction of water retention structures. A trail project at Sitka National Historical Park will provide employment and education opportunities for Alaskan native youth and benefit park visitors, heritage resources and the local tribal government. The project will act as a catalyst for future related partnership agreements between the Tribe and the park, benefitting both entities.

Retention of fee authority is paramount to our ability to maintain and manage our federal lands and effectively address the deferred maintenance backlog at our National Parks, Forests and other federal lands. As visitor demand increases these efforts require a reliable and ready source of funding that allows us to respond quickly. Recreation fee revenues are a critical source of such supplemental funding.

Visitors to our federal lands are telling us that they understand that they benefit directly from the recreation fee program and are supportive. A study conducted by the University of Idaho for BLM in 2007 found that 80% of visitors believed that the fees charged were appropriate. Additionally, 84% of visitors surveyed in this

study agreed or strongly agreed that the value of the recreation opportunity was at least equal to the fee charged. Survey data collected by the Forest Service in 2006 show that 83% of visitors were satisfied with the value received for the amount paid. According to a comprehensive study completed by Northern Arizona University for the National Park Service in 2000, there is broad public support for reasonable fees on public lands. Current NPS annual survey data show over a 90% satisfaction rate for the value of entrance fee paid.

Visitors consistently comment that they are willing to pay reasonable recreation fees if they know the money will be used to improve the site they are visiting. The FLREA program provides that 80-100% of the fee revenue generated remains at the site where it was collected for maintenance and improvements. People living in New Jersey are not being asked to maintain boat ramps in Arizona that they may never visit.

Under FLREA, the public has a voice at the decision making table when fees are proposed. The law introduced public participation and civic engagement requirements for all agencies in the establishment of new fees, modifying fees and designating new fee areas.

In addition to site specific public involvement, there is the engagement of Forest Service and BLM advisory committees, collectively known as Recreation Resource Advisory Committees (R/RACs). R/RACs are composed of a diverse group of stakeholders who represent a wide range of interests, including recreation, environmental, tourism, and tribal and local government interests. They are a forum for the public to work with the Forest Service and BLM to review and provide feedback on agency proposals to establish new recreation fees or make changes to existing fees. These committees are a model of productive partnerships.

As partners in the process, R/RACS are examining each agency fee proposal thoroughly, offering input, and helping to ensure the agencies carefully consider public concerns, issues and questions when developing proposals. To date, Forest Service and BLM agency officials have presented to the R/RACs some 410 fee proposals—representing about 6% of the 6,300 total fee sites of the two agencies. More than two-thirds of these proposals have been for modest fee increases at campgrounds managed by the two agencies.

The committees are providing a critical public perspective to the Forest Service and BLM. Their value extends beyond specific fee proposal analysis to a broader understanding of economic, social and environmental concerns. A site-specific fee proposal cannot be understood without this broader context, which leads to valuable discussions on the role of national public lands and the challenges encountered in providing outdoor recreation opportunities now and into the future. As a result of these deliberative processes, the fee proposals have ultimately received positive recommendations from the R/RACs with nine receiving recommendations for slight modifications.

The NPS, FWS and BOR also have developed extensive public involvement and civic engagement requirements as mandated by FLREA. Each agency has specific requirements for conducting outreach to the public, key constituency groups, local government and civic organizations and Congressional representatives. This information is then used to either validate a proposed change or modified fee or to receive feedback that recommends against it. Once the vetting process is complete, new fees and rate changes must be approved at multiple levels of the agency to ensure that fees are reasonable and made according to agency policy. This public participation process is working. The NPS, for example, has been able to use public input to increase fees or keep fee rates at current levels. The NPS has ceased collecting fees at approximately fives sites since FLREA was enacted.

Participating agencies make every effort to ensure that fees do not become a barrier for potential visitors. Children under the age of 16 are exempt from paying entrance and/or standard amenity fees and fee waivers are available for educational groups. Annual interagency and area specific passes offer frequent visitors an economical way to visit federal lands. Lifetime passes are available to seniors and to U.S. citizens who are permanent residents with permanent disabilities. These passes also provide the additional benefit of discounted camping.

Further promoting increased public engagement, the FLREA program provides opportunities for local entities to partner with federal agencies to develop and manage projects. At the South Fork of the Snake River in Idaho, an interagency working group was formed with local, state and federal representatives to develop a fee for 10 sites spread along a 62 mile stretch of the River. Regardless of where fees are collected, the working group decides together where the money will be spent within the corridor to benefit their shared visitors. This effective partnership gives local stakeholders a voice in the development and management of federal recreation facilities.

One other ongoing effort by the Forest Service is the Recreation Facility Analysis Program. Under this program and with public participation, each National Forest is undertaking a comprehensive analysis of its facilities and the resources required to manage them.

To date, these analyses have identified many sites for improvement as well as a small percentage of lesser used facilities for possible decommissioning or reductions of service. Recreation Facility Analysis identifies options for management including, but not limited to fees. This process has greatly improved the ability of the agency to prioritize projects based on the needs of our visitors.

The FLREA program has contributed to seamless government and in turn, enhanced visitor service and satisfaction. Through the establishment of a single interagency "America the Beautiful—National Parks and Federal Recreational Lands Pass" in January 2007, vacationing families can now travel between sites managed by five separate agencies using a single pass. Since the introduction of the interagency pass program, over 1 million passes have been issued to the public affording millions of visitors, their family and friends an economical way to see and experience America's public lands.

A sightseer in Utah and Nevada can view the majestic rock formations of Bryce and Zion National Parks, explore Flaming Gorge National Recreation Area on the Ashley National Forest and hike through the BLM-managed Red Rock Canyon National Conservation Area using a single pass. As access to most public lands remains free, the pass applies to those locations that currently have entrance or standard amenity fees.

The program is managed by NPS on behalf of the other participating agencies. It includes four types of passes: Annual, Senior, Access and Volunteer. The new passes cover all entrance and standard amenity fees for the pass holder and three accompanying adults at per person entry sites or all occupants in a personal vehicle at vehicle entry units. This represents a particularly cost-effective opportunity for families traveling to federal recreation sites. The $80 Annual Pass is available to everyone and provides unlimited access to Federal recreation sites that charge entrance or standard amenity fees. The comparable pass offered by Parks Canada is about $140. The $10 Senior Pass is available to U.S. residents who are 62 years old and older and the Access Pass is available free of charge to U.S. residents with permanent disabilities. Both are lifetime passes and offer the pass holder additional discounts for some expanded amenity fees, such as camping. As a "thank you" to the volunteers who contribute thousands of hours to help take care of our public lands, FLREA authorized the creation of a free version of the Annual Pass available to volunteers who dedicate 500 or more service hours to improving their public lands. Interagency annual passes are now available through the internet, a toll free phone number and select third party partners. The image for the annual passes changes every year and is picked from winning entries from the "Share the Experience" official Federal Lands Photo Contest.

The FLREA program has also been used to help meet the public's demand for "one-stop-shopping" as they set out to explore and experience America's public lands. In February, 2007, the E-Government initiative, Recreation One-Stop, which includes the National Recreation Reservation Service, launched its new RECREATION.gov website. The site offers the public the convenience of making reservations for more than 2,500 Federal campgrounds, day use areas, cabins and tour information facilities directly through the site or one toll-free number. RECREATION.gov also provides visitors with instant, one-stop access to maps, recreation activities, and other useful federal lands information.

Our Departments have a shared responsibility to ensure that federal lands continue to play a central role in providing recreational opportunities for the American people and visitors alike. Fulfilling this mission requires that we maintain visitor facilities and services, preserve natural and historic resources, and enhance visitor opportunities with an adequate and steady source of funding. We continue to strive to keep fees reasonable and to use the money collected to directly benefit visitor experience. The Recreation Fee Program has demonstrated a clear record of success as we strive to accomplish our mission. Recreation fee authority has been a vital component of our Departments' ability to serve as effective stewards of the public lands we treasure. We would be happy to answer any questions.

Mrs. NAPOLITANO. Thank you for your testimony. I am sure our Chairman was not specifically talking about some of the agencies. I think he was more concerned with the Forest Service.

I would like to allow Mr. DeFazio to have an opening statement. I believe he does have some comments.

Mr. DEFAZIO. Thank you, Madam Chair. I am sorry that I was late. I will be in and out. I have other obligations at the moment. I appreciate Secretary Rey raising concerns I have had about this program.

It was never considered by, nor authorized through, this Committee, and I did engage in numerous floor debates. I will admit that the program is better than when it started. When it started in Oregon, there were some forest and forest recreation areas within forests which required three different passes, and to go just throughout the Northwest, you could need as many as 12 different passes.

So it has been somewhat rationalized, and they have also now limited it, to some extent, where the fee is required. It is no longer charging people just to park by the side of a road, in most cases, in the forest, and recreate or hunt, but more developed areas. I still have concerns about where and how it is applied.

Now, I have a particular concern, which I hope we can get to in questions, on the accounting, this money: where it is going, how it is being spent, how it is collected, and how it is distributed. I keep asking my people in the region, "Gee, I live in Eugene or Springfield. I go to the Malamute, I buy my pass, but I recreate on the Deschutes." The Deschutes does not get any of the money, as far as I know. So that is one question. They say, "We are working on that." Well, I have never heard any progress on that.

I would assume that most of the passes in Oregon are bought in the urban areas, in Portland or in the Eugene-Springfield area, but people recreate on a vast number of other areas. How could those forests share?

But then, beyond that, I understand that, despite the initial assertions that most of this money would go back to the local forests and be spent on the local forests, it is not; it is disappearing into the mud of the bureaucracy. So I would also like to see, and have asked for and have not received, any substantial accounting there.

So those are a few of the questions I will be asking later. Thank you, Madam Chair.

Mrs. NAPOLITANO. Thank you, Mr. DeFazio.

I would like to ask Mr. Inslee if he has an opening statement.

Mr. INSLEE. [Off mike.]

Mrs. NAPOLITANO. You will warm up a little. Fine. Thank you.

Mrs. Capps, do you have a statement or a comment?

Mrs. CAPPS. [Off mike.]

Mrs. NAPOLITANO. OK. Fine. Thank you very much.

I will start off with some of the questions that had been proposed by the Chairman.

To both Ms. Scarlett and Mr. Rey, before the implementation of the FLREA, the agencies had eight years' experience, collecting fees under the Fee Demo program. What are two or three of the most important lessons that the agencies learned from the fee demo?

Ms. SCARLETT. Thank you very much. Let me respond, and then Marc will also.

One of the key lessons learned was that people really objected if fees were charged where there were no special amenities or special, extra recreational services or facilities provided. So, in the Federal Lands Recreation Enhancement Act, one of the requirements is that fees be charged only where there are, for example, developed parking sites, restroom facilities, other provisions for those visitors.

As a consequence of that, we inventoried all of our sites and actually removed some from the fee program. I know that the Forest Service removed a great deal more.

A second issue that was raised was concern about public participation when there were any proposed new fee sites and/or increases in fees, and, again, the act included provisions to require enhanced public participation. We have created a series of Recreation Advisory Councils with a recreation component to them, and so now new fee sites and new fee levels are all discussed through those public engagement processes.

Our Park Service and our Wildlife Refuge System also have even additional layers of public participation, so those would be two of the things I would mention.

Mr. REY. I could add to a couple that we learned. We reduced the fee sites by about 437 sites from the demo program because they did not offer sufficient, developed recreation opportunities that a fee was justified.

We also deleted any fees that we thought could be construed as entrance fees for the National Forests because it was clear to us, in the discussion that led to into the passage of the permanent legislation, that that was an anathema to many people. Secretary Scarlett mentioned the Recreation Resource Advisory Committees.

I think the fourth thing we learned, in the development of the Unified National Pass, is the situation that Congressman DeFazio described was also anathema to the public and needed to be corrected and that we could not be charging people fees going from one site to another in what appeared to be an arbitrary fashion.

Mrs. NAPOLITANO. Thank you. Actually, I would like to go back to the first explanation to the three items that you picked up on, and, just for clarification, we were in the Grand Canyon back in the sixties, and there were not any fees that I can remember. When my family was there, we are looking at probably more like almost 50 years ago. That is how far back I was talking about, not current, not in the nineties or the eighties, even.

But, at any rate, thank you very much for your testimony. I would like to ask one more question.

One of the goals of the REA was to provide fee collection predictability across jurisdictions so that visitors would know when and for what activities a fee would be required, where to pay it, and how much it would cost. If I were to visit campgrounds or boat launches in the same amenities managed by the Forest Service, the Park Service, and the BLM, would I pay the same to camp or launch or a boat at each one?

Ms. SCARLETT. Since the passage of the act, we have significantly simplified our fee structure. Prior to the act, the Park Service, for example, had many, many fees at the different park units, and they varied all over the map in terms of what the fee was paid for the particular kind of activity. We now have four different cat-

egories of park types, and we have the fees uniform in each of those tiers or park types, again, to create some simplicity, as well as some common expectations.

Through the Recreation Advisory Councils and the other public-participation processes, we have also strived to bring some uniformity so that when you go to a particular location for a particular activity, you are paying a fee that is similar from one place to another.

There still is some variation, but it really is pegged to the level of facilities and the level of activity that you are getting at that particular site.

Mr. REY. I think the types of areas for day use and camping are very comparable across all agencies. Probably the biggest difference is that, for some National Wildlife Refuges and most National Parks, you will pay an entrance fee, and you will not pay an entrance fee on either the Forest Service or the Bureau of Land Management.

To the extent there are any differences, they are a reflection of what the Local Recreation Resource Advisory Committee has approved, and you can go on a Web site, recreation.gov, which we produced as part of the implementation of this program, and see the fees applicable to whatever site that you want to visit ahead of time so that you can decide whether you want to go there.

Mrs. NAPOLITANO. Two questions. The LRAC; is it comprised of citizens within the area?

Mr. REY. Yes, within the geographical area served by their committee. The cities are all residents.

Mrs. NAPOLITANO. When was the site established?

Mr. REY. Recreation.gov was established in 2006.

Mrs. NAPOLITANO. So it is fairly recent.

Mr. REY. It is fairly recent.

Mrs. NAPOLITANO. Thank you. Mr. Bishop?

Mr. BISHOP. Before I ask questions, I would just like to ask Mrs. Napolitano, if you were in Grand Canyon 50 years ago, how were you able to visit there, before you were born, obviously?

Mrs. NAPOLITANO. You are so very kind, sir. I am going to be 72.

Mr. BISHOP. No. Mr. Rey, I am appreciative of finding out that the Forest Service was able to charge fees dating back to 1908.

Mr. REY. That was the Park Service.

Mr. BISHOP. The Park Service?

Mr. REY. Forty-nine, '48.

Mr. BISHOP. Before they were established.

Mr. REY. The Park Service was established in 1916.

Mr. DEFAZIO. No, a clarification. The National Park System was established in 1916. There are a number of parks, including Yellowstone, that actually date back to the 1800s; 1872, I believe, was its establishment.

Mr. BISHOP. It is just comforting to know that we are able to charge fees by an agency before the agency existed. It seems to be a metaphor for government around here, does not it?

Ms. Scarlett, let me ask you a couple of questions. If the fee authority was revoked, what effect would that have on recreational opportunities, any kind of certain amenities, structures, improvements, stuff that would be provided?

Ms. SCARLETT. I believe the impact would be significant. Since we have been charging these fees, we have collected some $2 billion in revenues and have spent well over $1 billion of those and have undertaken about 10,000 projects. Some specific kinds of things that would be, I think, adversely affected would be, for example, the creation of new boat launch sites and new boat ramp facilities along Bureau of Land Management water recreation areas.

We have recently done some significant upgrades of all of our auditoriums and our interpretive efforts in National Parks to make them accessible for the visual and hearing impaired, and we are doing that throughout every single park in the Nation using fees.

So those are the sorts of things that go kind of above and beyond the routine provision of recreation opportunities to that extra level of enhanced service.

Mr. BISHOP. Those are two good examples. Mr. Rey, let me get you. Under the current system, 80 to 85 percent of the fees go back to the forest unit from which they were collected to improve recreational activities.

Senator Baucus has a bill over in the Senate, 2438, "The Fee Repeal and Access Act." How would that legislation specifically change all of this?

Mr. REY. The Forest Service manages 17,000 recreation sites with both appropriated and fee dollars. The enactment of Senator Baucus's legislation would call into question our ability to operate 7,300, or 43 percent, of those sites. It is possible we could take about 2,000, or thereabouts, of those sites and offer them to concessionaires, who, of course, will also charge fees, probably at a higher rate than we are presently charging, but about 5,200 of the sites are not sites that concessionaires would be willing to take. So, roughly, a third of the sites in the National Forests would be called into jeopardy.

Mr. BISHOP. I appreciate that. Can I also ask you, Mr. Rey, what is the basis for the High Impact Recreation Area concept?

Mr. REY. The basis for the High Impact Recreation Area concept is that you have a cluster of amenities that are offered in a discrete area that has a high level of recreation use. The classic examples are the canyons on the Angelos and Cleveland National Forests.

What we have done with this is to basically say, if you are using the six amenities that are provided in these areas, and that includes picnic facilities, a hardened parking lot, a developed parking lot, interpretative signs, trash pickup, protection from law enforcement, and bathroom facilities, as well as trailheads; if you are using all of that, then that is basically the kind of area where we think a fee is justified. That is one of the areas where we are still looking at that with the Recreation Resource Advisory committees, to solicit their input on specific areas because they are not all identical.

What we found, as I said in my prepared statement, in the Southern California illustration, is that use of those areas has actually gone up now, with a heavy component of Hispanic population use, as we have moved in and improved those areas, removed the graffiti, made the parking lots hardened so that they are not just dirt parking lots but paved, and provided better facilities all around.

Mr. BISHOP. Thank you. I have less than 30 seconds to go. As Mr. Regula was talking, he was talking about the long history of backlog of maintenance and the inability, even as one of the dark forces of the appropriations side, of being able to come up with the adequate amount of money for those. I am assuming that this maintenance-backlog problem has been going on for 20, 30, maybe even longer, years.

Mr. REY. As far as we are able to discern, within the Department of the Interior and the Bureaus that we manage, the backlogged maintenance dates back many, many, many decades, cumulatively, over time, yes. That is correct.

Mr. BISHOP. My time is up, so let me just make this into a rhetorical question.

It would see that if we have, going back decades, maintenance problems and maintenance backlogs, why, for heaven sakes, do we keep adding to our inventory right now, when we cannot maintain that which we already have?

It seems as if we are going hog wild, especially recently, in trying to expand parks, create new parks, expand opportunities, create new opportunities, and, at the same time, we cannot maintain what we already have. It would seem that one of the wise strategies that we would have is to start emphasizing to do what we do well before we start expanding the opportunities when we do not have enough money to do what we already have, and, as I said, that is a rhetorical question.

I yield back, obviously. I am over by 44 seconds.

Mr. GRIJALVA [presiding]. Thank you, Mr. Bishop.

Our colleague, Mrs. Capps?

Mrs. CAPPS. Thank you, Mr. Chairman. Thank you, both of you, for testifying today and, in particular, welcome to my constituent. It is always a pleasure to have you here, Lynn Scarlett, the Deputy Secretary of the Department of the Interior.

I want to ask Mr. Rey, because of concerns about the unlimited fee authority that was given to the agencies under the Fee Demo, Congress specified, in FLREA, some very specific prohibitions on fees for certain things. Despite these increased restrictions on where fees can be charged, there are now more fee sites than there were under the Fee Demo. Why is that?

Mr. REY. There are actually less fee sites now than there are under the Fee Demo program. We have removed more than we have added in the years since Fee Demo.

Mrs. CAPPS. So there are fewer fee sites today.

Mr. REY. That is correct.

Mrs. CAPPS. Well, according to the GAO, the land-management agencies are carrying a balance of almost $300 million in unobligated fee revenue. In the Forest Service, 107 units had an unobligated balance, and 63 of those, or 58 percent, had more than a year's worth of fee revenue in their unobligated fund.

It looks like you are bringing in revenue in excess of your actual needs, and yet you are closing sites and reducing services, including about 60 percent of Los Padres National Forest, part of which is in my district. Why is this?

Mr. REY. The word "unobligated" is inaccurate. It should be "unexpended." Many of these fees are being put to capital projects that

extend out over a couple of years' time, so the money cannot all be spent in one year. So it is unexpended, but it is not unobligated. It is attached to specific projects where there will be out-year payouts to build capital improvements in these sites.

Mrs. CAPPS. Don't you expect to increase fees along the way as well? Don't you have a pay-as-you-go kind of plan?

Mr. REY. Well, we do have a pay as you go. We do not let a contract, multiple-year contract, until we have all of the money to pay for the completion of the contract.

Mrs. CAPPS. I want to follow up. In testimony to the Senate in 2005, and I have a copy of your testimony here, you stated that "High Impact Recreation Areas would be submitted to the Recreation Resource Advisory Committees once these were chartered."

Now that the RRACs are chartered and operating, have any HIRAs been submitted to them for review, and, if so, what was their recommendation?

Mr. REY. There have been High Impact Recreation Areas submitted to them for their review, and they have, so far, approved the ones that have been submitted.

Mrs. CAPPS. Are there quite a few of them?

Mr. REY. I do not know the exact number, but I can get that for the record.

Mrs. CAPPS. I think that would be important for us to have as follow-up to the record. I would appreciate that.

Three years ago, you told the Senate you would be submitting the HIRAs to the RRACs, so I guess you did not at that time.

Mr. REY. Well, we had some that were preexisting. Those are being submitted to the RRACs as we work on the program. So far, all of the ones that have been submitted have been approved. We have chosen not to submit a few areas that would probably qualify as HIRAs, and those, we have just deleted the fees on.

Mrs. CAPPS. Well, I wonder if you are aware of the fact that 75 percent of the sites within HIRAs do not have the standard six amenities. It seems to me that, with these HIRAs, the Forest Service is simply using them to get around the letter of the law.

Mr. REY. I have heard that statistic, and I think that is inaccurate as well, and let me describe why.

A HIRA is an area of high-impact recreation. It may include several sites within that confined area, like a narrow canyon in the Cleveland National Forest.

So all six amenities have to be within the HIRA. They might not be at every individual site that occurs within that HIRA.

Mrs. CAPPS. Let me ask you, because my time is almost up, what would you answer to the constituent—many of my constituents who tell me they are in a HIRA, in a high-impact area, and that they are being told the bathroom is a mile away?

Mr. REY. A mile is probably a fairly standard radius for a HIRA. You might have bathroom facilities at one point in a canyon where it was possible to build them. Canyons are fairly narrow and linear. You might have a picnic facility several hundred yards away. You might have a trailhead 50 yards from that. But, typically, what we experience is the people come to that area to recreate in it as a whole.

As I indicated in my prepared statement, one of the issues that we are putting before the RRACs is to make sure that they concur with us that this really is a legitimate HIRA, and, as I said just a minute ago, we have pulled fees out of some of those that we thought probably were not legitimate because the six amenities were too dispersed to really legitimately call a single area that people are using, as a whole, for recreation.

Mrs. CAPPS. Thank you very much.

Mr. GRIJALVA. Mr. Inslee, any questions?

Mr. INSLEE. Thank you. Can you, either of you, give a general concept of the rates during the period these permits have been in place, the rate or rate increases, as it compares to inflation or you budgets? In other words, as a percentage of your budgets from Day 1, have they gone up compared to inflation? How much have they gone up? Can you give us any sense of that, if you look at them sort of overall?

Mr. REY. When we set these fees for the Forest Service, it is generally done with the Recreation Resource Advisory Committees, and it is targeted to local costs, and we also look at what other vendors of a similar product, most notably, the state parks, are charging.

What I can tell you is that for day-use fees, for camping overnight, and for annual passes, we are typically below the state park levels. So, for instance, if you went to your state park in Washington, they would charge you a $7-a-day use fee. Our average, across the National Forest System, is $5.85, less than going to a Washington State park, substantially less than taking your family to a movie that day.

If you were going to camp overnight, the average Forest Service overnight fee is $10.50. The average State of Washington fee is about $27. So we are substantially below that.

Your annual pass is lower than our annual pass, but then our annual pass gets you to all of the National Parks, National Forests, National Wildlife Refuges, and BLM facilities nationwide. Your Park System annual pass just gets you to the Washington State Park System. So we tag it to that.

Right now, the fees are generating about 13 percent of the Forest Service's overall recreation budget, as a proportion of the whole.

Ms. SCARLETT. With respect to the Department of the Interior lands, many of our fees do not change at all year after year and then only periodically get a change. The Park Service has recently gone through a reexamination of park fees and has made some adjustments there, again, using some of the criteria that Marc stated; that is, in the time since they were last changed, what has been the cost-of-living increase, and various other criteria like that.

I would be happy to get you that information with the precise details, but many of our fees remain stable, and to the degree that we put in place changes, we now go through the Recreation RACs for review of those proposed fee changes.

Mr. INSLEE. Mr. Rey, let me ask you a general question. The forests that I grew up with in the State of Washington are just falling apart. They are disaster areas. The beetle kills is disastrous, the trails are falling apart, the roads are washed out. I have, you know, gotten to enjoy some wonderful areas throughout my family's

history that are now gone with no, as far as I can tell, planning or proposals to replace them due to some of the terrible flooding we have had out there.

What is the answer to this? I mean, it is a disaster out in our forest land, from a recreational standpoint. I recognize that there has been some amenities work, but the backcountry is a disaster, either getting access to it or using it.

Mr. REY. Well, I think there are several answers because you have identified several problems, but, looking at the one that you focused on the most, which is backcountry access, we made an express decision not to charge fees for backcountry access in this legislation, so that work is going to be done primarily by appropriated dollars and by partnerships with volunteers.

We generate a lot of trail-improvement work, particularly in your state, because there are clubs that are very active in working with us to do trail-improvement work, but a lot of that work is done by volunteers or by cost share between appropriated dollars and donated dollars.

I do not think there is a single answer; I think there are several answers. Fees, in the appropriate places where people can see a return on their fee is one answer. Partnerships with nonprofits, maybe increasingly with private entities would be another answer, and appropriations are a third.

Mr. INSLEE. Would you generally agree with me that the current funding from all sources does not come close to retaining some basic structure of our backcountry?

Mr. REY. I think the proposition that I would agree with is that the backlog of maintenance is one that has been decades in the making. That is number one.

Number two, that backlog is not going to be addressed or resolved exclusively through appropriated dollars in this budget environment.

And, number three, together, we are going to have to think of as many different ways to address that backlog as possible, and part of that includes analyzing what current and future, as opposed to past, use is going to be and then designing the system so that it is more responsive to current use.

The answer for some of these facilities that are not used very much because population demographics and settlement patterns change are probably to closing, but that, I think, is going to be a fairly small number, probably less than five percent, over time.

Mr. INSLEE. Well, I hope you can use what time you have left in this position to identify how to tackle this because it is very sad to see these family heirlooms becoming inaccessible, and I am not just talking about the trails; I am talking about roads as well. When you lose 15 miles of access that people have been enjoying for decades, it is a sad thing. Thank you.

Mr. GRIJALVA. Thank you. Mr. DeFazio?

Mr. DEFAZIO. Thank you, Mr. Chairman. I only wish you had been Chair back years ago when the Republicans instituted this program without going through the proper process and authorizing. It has been sort of a work in progress, shall we say?

Secretary Rey, I guess one of my overall concerns is, of the $350 million generated on Forest Service lands, I am not able to, and

perhaps staff just has not asked the right person, get a meaningful accounting of a list of all of the forests, how much money was collected on that forest, and where that money went.

There is a lot of random testimony that is going to come up later which raises disturbing questions on various and sundry forests scattered around the western U.S. where individuals who are localized enough are tracking fee collection from guides and outfitters and others, and the numbers simply just do not add up properly, and we know a number of special funds have had problems over the years in the Forest Service.

So is there a place where I can go and track where the money was collected and where and how it was spent?

Mr. REY. We can track that for you through a database called "INFRA" to the forest level. Within a forest, we do not keep the records of——

Mr. DEFAZIO. Right. So if a forest collected X million, you can say that this much went back to that forest, and then you would have to contact the forest to find out what they spent the money on.

Mr. REY. Well, I think we have that database, so the person who can help you is Martha Catell, who is just over my left shoulder. If your staff can get with her, we will do an INFRA run for the National Forests in Oregon or whatever other National Forests you want to look at.

Mr. DEFAZIO. OK. I probably just would start with Oregon just because I am more familiar with it, and then, if I get some level of confidence out of that.

How about the issue I raised about people purchasing passes in our major urban areas where there is an outlet, either private or public, Forest Service, but principally recreating somewhere else? Where do those revenues flow, just back to, say, in my case, the Willamette Forest, where the fee was purchased?

Mr. REY. If the point of purchase is a National Forest unit, as opposed to a private partner, then the money goes back to the National Forest where you purchased it.

Mr. DEFAZIO. OK. Again, if you raise issues of equity, I would say that, in the case of the Willamette, you may find a large number of people recreating other than on the Willamette purchasing passes there. I would suggest that, years ago, maybe you would just indicate what forest, if you want to, that you would use that on.

Second, how about a private vendor, then? How do those get disbursed?

Mr. REY. If they are not associated with a specific National Forest, then they are allocated within the region, and I think the Park Service does their distribution a little differently.

Ms. SCARLETT. Congressman, if 80 percent of the funds gathered at a particular site go to that site, then there is 20 percent that we, through a central process, allocate to those locations that might either not have fees and/or not have the visitation level to generate the funds to invest in some of the facilities' needs. So we have a mechanism to distribute some of those, for fairness purpose, across the system.

For those passes that are sold centrally, whether it is by a private vendor or in a central location, we have actually a working

group, a team, and they set the criteria for the allocation of those revenues across the Park System, the wildlife refuges, the Bureau of Land Management, and, again, with criteria that are pegged to need and related kinds of criteria.

Mr. DEFAZIO. What is the overall administrative burden on the fees you collect?

Ms. SCARLETT. By law, we are required to keep that administrative overhead at 15 percent or less. For the Bureau of Land Management, it is actually about 10 percent, so they are actually under the requirement, and then, for the rest of our services, it is under that 15 percent overhead.

Mr. DEFAZIO. OK. How about the Forest Service, Secretary Rey?

Mr. REY. Ours is just under 15.

Mr. DEFAZIO. OK. All right. Thank you, Mr. Chairman.

Mr. GRIJALVA. Thank you, and please excuse my absence for a while.

If I may, Mr. Secretary, two quick questions, and then we can move on to the next panel, unless there are other questions by Members.

There is anecdotal evidence that the Forest Service does, in fact, charge fees that look very, very much like entrance fees at some of the sites. The picture on the monitor appears to be one of those sites. What assurance can you give the Committee that there is compliance with the prohibition of entrance fees, given this kind of anecdotal evidence?

Mr. REY. Well, I am always careful when I look at a picture because sometimes the picture does not provide a thousand words. All I see is that there is a sign that says, "Fee due on entry." I do not have a picture of what is being entered. For all I know, Mr. Chairman, that could be a campground.

But let us assume it is not a campground. Let us assume it is one of the High Impact Recreation Areas, which is the kind of area that we have talked about in our testimony for the record and that Congresswoman Capps and I spoke about just before you came in.

A High Impact Recreation Area is an area where recreation is concentrated, and, within that area, all six of the necessary amenities that we think are required to justify a fee exist. That is a picnic facility, a hardened parking lot, interpretive signs or activities, trash pickup, law enforcement protection, and bathroom facilities.

If you were entering into one of those areas and using it—having a picnic, going to the bathroom, accessing a trailhead from that area—that is one of the areas where we charge fees. Now, what we have also said——

Mr. GRIJALVA. Let me just, if I may——

Mr. REY. Sure.

Mr. GRIJALVA. Under what authority, though, can we create and continue to manage these HIRAs that you are talking about, high-impact areas?

Mr. REY. That would be under the authority to charge basic amenity fees, and the HIRAs are being submitted to the Recreation RACs.

In the dialogue we had with Congresswoman Napolitano and Congresswoman Capps, we talked about the HIRAs in the four National Forests in Southern California. Those, I am now told,

have all been submitted to the Recreation RACs and have been approved by the Recreation RACs, and all of our other HIRAs will go through that process, except for the ones, as I indicated earlier, that we have decided we do not think meet the definition and for which we have eliminated the fees that were charged during the Fee Demo program, and there are 437 of those where fees have been eliminated.

Mr. GRIJALVA. OK. I think, just for the purpose of identification, I think that it is the Prescott National Forest in Arizona at the entry point.

I understand that, finally, this year, the Forest Service will be coming out with some new policy recommendations on HIRAs. It has taken what, about three years, to get to that point? The question of compliance with REA; the outcome of these three years of waiting is to address that problem of compliance or——

Mr. REY. It is our view that HIRAs are compliant with FLREA. The word "area" appears in the legislation. We have not been sitting around for three years. We have been evaluating these sites, which were created under the Fee Demo program, eliminating some of them from fees, 437, to be precise; putting others in front of the Recreation Resource Advisory Committees, and securing their approval with those, and many of them have been approved, particularly in Southern California, where, on those four National Forests, they have actually resulted in an increase in recreation use.

Mr. GRIJALVA. One final point or question: Also the Forest Service is undertaking the Recreational Facility Analysis, I believe——

Mr. REY. That is right.

Mr. GRIJALVA.—that is a prelude to closing recreational sites. Could you tell the Committee, how many of the sites that will be closed do you expect to be fee sites, and, for the nonfee-site study for closure, how many, would you say, are being closed because a fee cannot be charged?

Mr. REY. I do not think any of them are being closed because a fee cannot be charged. The ones that are being closed are being closed because they are no longer enjoying a high level of public use. Let me step back.

The Recreation Facility Analysis is not a fee-charging exercise. It is an exercise of looking forward into the future, anticipating, with the public, what future recreation trends are going to be, as compared to past recreation trends, and deciding, based on projected future use, which sites need to be expanded, where sites need to be added, and where sites, because of a lack of use, perhaps should be closed. That is a public process on each National Forest where the public is involved in making those determinations.

Now, in the states that all three of you represent, the population is growing, and so recreation use is growing, but there are other states—we have two National Forests in the Upper Peninsula of Michigan, other National Forests in states where population is shrinking—in which sites that were popular 20 years ago are enjoying very little use, and what we are trying to evaluate is, does it make sense to keep those sites, or does the lack of use, in part, caused by a reduction in population, make it more sensible to start concentrating use in more popular sites?

Mr. GRIJALVA. Thank you. If I may, Secretary Scarlett, two questions.

One is having to do with the Grand Canyon, and I think the inherent, flawed fee structure, and let me give you an example. A whole group in a car, when you go in there, you pay 25 bucks to get in. If you walk in individually, the same group, it is $12 a person. So you are talking a difference of between 25 and 48 dollars.

There is a real effort around the Grand Canyon to deal with air pollution, noise pollution, and congestion. How do you reconcile the fact that you have this contradictory policy, and not only contradictory in the intent of reducing some of the negative effects around the canyon, but also the contradiction in terms of cost?

Ms. SCARLETT. Congressman, I was not aware of that particular fee structure at the Grand Canyon and will have to look at what its justification is. I know, park-wide, in many locations, while you pay a fee to enter in your vehicle, you do not pay a fee if you enter, for example, on foot or on a bicycle. So why, at the Grand Canyon, there is that particular structure, I would have to get back to you with that answer.

Mr. GRIJALVA. And I think one just to submit for the record, the Department of the Interior has been collecting fees for 11 years to remedy the deferred-maintenance issues that are on Department of the Interior lands. How much has been used to build new facilities that now also have to be maintained, and how much has been used to build new facilities that now also have to be maintained, and how much have been used for the upkeep and the general maintenance of existing facilities? Is that something that you could provide to the Committee in writing?

Ms. SCARLETT. Yes. We can certainly do that. I will tell you that, to address the maintenance backlog, we actually have several sources of funds. We have actually expended well over $5 billion since 2001, in appropriated dollars, to address maintenance issues, and a lot of that, or, at least, some of that, is new construction, and then, in addition to that, upwards of $2 billion through fee monies. Not quite $2 billion, but we can give you the breakdown on new versus ongoing.

Mr. GRIJALVA. And, in your response, to look into the situation, the dual fee structure at Grand Canyon, that applies to Yellowstone as well and Yosemite.

Ms. SCARLETT. OK. I will get that information for you.

Mr. GRIJALVA. Thank you. Mr. Bishop?

Mr. BISHOP. I just have a couple of quick questions, Mr. Rey.

First of all, in the picture up there, that looks like it is a campground with amenities in the background. I am assuming that is a campground. Would that be something where voluntary payments would be made? There would not be a ranger or somebody there, staff, collecting the fee, but there would be a place for voluntary payments to be made.

Mr. REY. Well, we would not call them "voluntary," but they would be self-honor system. Right.

Mr. BISHOP. Your efforts to try and evaluate the use of parks based on the number or use of forest areas, whatever your areas, based on the volume of usage; we have 30 Members on this Com-

mittee. There are three who are here. Could we be closed down for lack of usage?

Mr. REY. No.

Mr. BISHOP. That is the wrong answer. That was the wrong answer, sir. All right.

Mr. REY. Sorry.

Mr. BISHOP. Let me do one last one and see if you get this one right.

Mr. Rey, do you have any information on new fee schedules for different—between the states, for example, and maybe how the Forest Service schedule compares to the National Park schedule, if I made that question clear?

Mr. REY. Sure. We can get you the comparison of schedules among the different units, and what we will do is work with your staff, and maybe you could just access it through the reservation system, recreation.gov.

Mr. BISHOP. If we could get that on the record, it would be helpful, I think. I yield back.

Mr. GRIJALVA. Any additional questions, Mrs. Capps?

Mrs. CAPPS. No, Mr. Chairman.

Mr. GRIJALVA. Well, let me thank our witnesses. We are honored to have the Deputy Secretary and Under Secretary with us today. Thank you for your testimony. We very much appreciate it. Thank you.

Mr. REY. One thing I said when you were voting, Mr. Chairman, is we welcome this oversight, and we hope that it will be the beginning of a continuing dialogue on this program. I know you are hearing from people who oppose it. As I said, after 10 years, we would hope that that would be less, but, as I also said, looking at the survey research, the vast majority of American people support this program, as long as they can see the benefits.

And I have also looked at survey research on the Panama Canal, and, after 30 years, there are more people who oppose giving the Panama Canal to the Panamanians than oppose the rec. fee program.

Mr. GRIJALVA. Thank you, and, with that insight, we will call the next panel up. Thank you.

[Pause.]

Mr. GRIJALVA. The next panel, please?

[Pause.]

Mr. GRIJALVA. Thank you very much. We welcome all of you. Five minutes of oral testimony, and your full statements will be made part of the record in their entirety, and any other extraneous material that you feel is important to your testimony will also be included.

Let me, first, welcome you and begin with Representative George Eskridge, Idaho House of Representatives, for your comments and welcome, sir.

STATEMENT OF THE HONORABLE GEORGE ESKRIDGE, STATE REPRESENTATIVE, IDAHO HOUSE OF REPRESENTATIVES

Mr. ESKRIDGE. Thank you, Mr. Chairman. Mr. Chairman and distinguished Members of the Subcommittee, thank you for the privilege of appearing before you today and testifying on the Fed-

eral Lands Recreation Enhancement Act. It is an act that has created great concern among my constituents and also my colleagues in the Idaho House and Senate, and I am asking you today to look at the current implementation of the act and to consider strongly repeal of the act.

I believe the agencies have gone far beyond Congress's intent and their own published guidelines in implementing the act and applying the fees authorized by the act. They state, for instance, that the fees should have wide public support. However, the wide public has not supported implementation of many of the fees and has not been involved in the design of the fees, as required in the agency guidelines.

Additionally, information provided to the public on recreation fee implementation has been sporadic and ineffective. There are too many documented instances of the public being issued tickets resulting in misdemeanor charges and large fines because those using the recreational facilities were not aware of the requirement to pay a fee.

Additionally, under the legislation, fees are to be charged only where there are certain amenities, specifically, developed parking, permanent toilet facilities, trash receptacles, sign exhibits, picnic tables, and security services. Actual implementation fees are being assessed where these amenities are not available, for instance, at trailheads, undeveloped campgrounds, visual turnouts, and other recreational opportunities.

The agency guidelines also require that a variety of outdoor recreation opportunities continue to be made available at no charge. However, under the legislation, there is no incentive for the agencies to keep nonfee facilities open because they do, in fact, not generate revenue for the agencies.

Because of this, it is my concern, supported by information provided by my constituents and various news articles on this issue, that a significant number of facilities have actually been taken out of service or scheduled to be closed and replaced because the required amenities are not available, and the agency, then cannot assess fees for their use.

In addition, Mr. Chairman and Members of the Committee, I believe that, counter to the intent of the legislation, the agencies are imposing fees to replace the use of Federally appropriated dollars used in other areas, such as firefighting, instead of using those appropriated dollars for development and maintenance of recreational facilities.

Members of the Committee, 63 percent of the land area in Idaho is under Federal ownership, much of it in timberland. As a result, the forest products industry has been a major component in the economic health of my state. However, as Federal land management has changed, resulting in a significant reduction in allowable timber harvests, this industry has suffered, resulting in mill closures and loss of employment in the industry, resulting in a significant economic loss to the state and our citizens.

We have attempted to adjust to this loss of a major industry by developing our tourism industry that, in part, relies on the public taking advantage of the recreational opportunities on the Federal lands in our state. The improper implementation of fees for use of

these facilities, I believe, has resulted, and will continue resulting, in a decrease in use of these facilities by the general public and will result in a significant impact on the tourist industry in my state and probably other states as well.

Mr. Chairman, it is especially harmful to those of lower incomes to take advantage of use of our public recreational facilities perhaps more than any other segment of our population. However, it also impacts others of the public as well who are facing higher costs of fuel, food, and other necessities and, as a result, are looking to public land recreational opportunities as an alternative to other leisure time activities.

Mr. Chairman and Members, as I stated in the beginning of my remarks, I ask you to look at the current implementation of the Federal Lands Recreation Enhancement Act and the ramifications of continuing assessing fees beyond the intent of the act and to consider strongly repeal of this act.

Mr. Chairman, I have also submitted written testimony that includes attachments to emphasize the opposition and concern being expressed by our citizens in response to the agency's implementation, as well as a copy of the Idaho legislature's Joint Memorial No. 14 sent to Congress in 2006 asking that the Federal Lands Recreation Enhancement Act be repealed. This joint memorial, Mr. Chairman, was passed by the Idaho legislature by a full majority, no dissenting votes, in our Senate or our House; a fully bipartisan effort in support of our resolution. Thank you, Mr. Chairman, and I would be glad to answer questions.

[The prepared statement of Mr. Eskridge follows:]

Statement of The Honorable George E. Eskridge,
Idaho State Representative, District 1-B

Mr. Chairman and distinguished members of the Subcommittee;

Thank you for the privilege of appearing before you today and testifying on the Federal Lands Recreation Enhancement Act. It is an act that has created great concern among my constituents and my colleagues in the Idaho House and Senate.

The Federal Lands Recreation Enhancement Act of 2005 (REA) authorizes the U.S. Forest Service, Bureau of Land Management, Bureau of Reclamation, National Park Service and Fish and Wildlife Service to assess fees to increase revenues in order to supplement appropriations and other funding sources for the benefit of recreational facilities and services on public lands.

At the same time it was recognized by Congress in passage of the act that the overreaching philosophy of the recreation program on public lands is to provide the public with public land recreation opportunities funded primarily with Federal tax dollars and to a lesser degree from fees, grants and other non-appropriated sources.

Admittedly confusion in the past on what services should be funded by appropriations and what services should be funded by fees and other services has been a problem. The lack of clarity resulted in inconsistency in the implementation of fees. As a result Congress sought to provide direction on where/when fees should be charged by passage of the Recreation Enhancement Act.

In doing so, Congress also mandated that the public have "free access to a variety of recreation opportunities and undeveloped public lands." The Act "also requires agencies to 'establish the minimum number of recreation fees and shall avoid the collection of multiple or layered recreation fees for similar uses, activities, or programs'."

Unfortunately the implementing agencies have gone far beyond the intent of the Act in assessing fees for recreational use. The Forest Service as an example set up guidelines that look good on paper, but in actual practice are not being followed and in fact one could assume the guidelines are purposely being ignored by actual practice.

To exemplify this the following are three of the five guidelines as published in the Forest Service Interim Implementation Guidelines accompanied by my comments illustrating abuse of the guidelines:

1. An enduring program is only possible with wide public and Congressional support. Involve communities of place and interest in decisions about fee project design and where the fee money is invested. Use a variety of methods to report to the public about the Recreation Enhancement Program.

Comment: The public agencies have not abided by this implementation guideline. First, the "wide public" has not supported implementation of many of the fees and have not been involved in the design of the fees nor involved in decisions on where the fee revenue is to be applied.

Additionally, information provided to the public on recreation fee implementation has been sporadic and ineffective. There are too many documented instances of the public being issued tickets resulting in misdemeanor charges and large fines because those visiting/using the recreation services/areas were not aware of the requirement to pay a fee or thought they were ok because they had a Golden Eagle Pass or other instrument covering their use or visit. As a result antagonism and opposition to the fees is significant!

2. Fees are acceptable if they have a direct connection to a perceived benefit such as at developed areas and where expanded or specialized services are provided.

Comment: This is the real crux of the problem. According to the guidelines a fee is to be charged only if substantial Federal investment has occurred as evidenced by at least six amenities being available. These six amenities are:

- Designated developed parking
- Permanent toilet facility
- Permanent trash receptacle
- Interpretation sign exhibit or "kiosk
- Picnic tables
- Security services

Fees are being charged where not all or any of these amenities are available, for instance at trailheads, undeveloped camping areas, visual turnouts and other recreational opportunities.

In addition the Forest Service specifically states in their implementation guidelines prohibitions against charging fees A) for general Forest/unit access, including charging solely for parking or picnicking along roads or trailsides, B) charging fees for overlooks or scenic pullouts, C) for camping at undeveloped sites that do not provide the minimum number of required facilities (as outlined under Expanded Amenity Fee Developed Camping)

Abuse of these prohibitions is prevalent and exemplified by the high number of the public having to pay fees or assessed fines and misdemeanor charges for parking at undeveloped trail heads, utilization of scenic overlooks and pull-outs, and other recreation uses not subject to fees.

3. Each National Forest and Grassland provides a variety of outdoor recreation opportunities that are free of charge.

Comment: There are indications that a significant number of facilities that have been taken out of service or scheduled to be closed and replaced are because the required amenities aren't available thus the agency cannot assess fees for use. An article in the April 2, 2008 Colorado Springs Gazette states the following: "CHANGES PLANNED IN COLORADO The U.S. Forest Service has identified dozens of sites in the Pike and San Isabel national forests, and the Cimarron and Comanche national grasslands, where it may begin charging fees or increasing fees; some areas are also targeted for closure." (one can assume the closures are because no fees can be assessed those no desire to keep these facilities in use)

The Federal Lands Enhancement Act was passed into law to "retain fee revenues to supplement appropriations and other funding sources to repair, improve, operate, and maintain recreation sites and areas to quality standards...." Section 3(b)(1) of the act states "The amount of the recreation fee shall be commensurate with the benefits and services provided to the visitor".

There is a feeling among the public that the fees are not only excessive, unwarranted in many cases but are being used for other purposes not directly related to improvements in specific recreation facilities where the fees are imposed. A March 7, 2008 article in the New York Times titled "Recreation Fees Rising in Wake of Fire's Costs relates the following: HAMILTON, Mont.-Reeling from the high cost of fighting wildfires, federal land agencies have been imposing new fees and increasing existing ones at recreation sites across the West in an effort to raise tens of millions of dollars.

Additionally, hundreds of marginally profitable campsites and other public facilities on federal lands have been closed, and thousands more like overlooks and picnic

tables are being considered for removal." (a copy of this article is attached as attachment #1)

I believe this charge by the New York Times writer has merit. The U.S. Forest Service has revised its land management practice in a direction that reduces the amount of harvest on public forestlands and as a result has increased the fuel load and occurrence of devastating wild fires. The cost of firefighting as a result of this condition has increased dramatically consuming more of the agency's budget and the need to look for additional revenues. Increasing fees to the public for recreational use is one way to increase these revenues. I believe we will continue to see attempts to justify increases in fees to help meet this need even though this action is against the intent of the Recreation Enhancement Act.

Members of the Committee, 63% the land area in Idaho is under federal ownership, much of it in timber land. As a result the forest products industry has been a major component in the economic health of the state. However as federal land management has changed, resulting in a significant reduction in allowable timber harvest, this industry has suffered creating mill closures and loss of employment in the industry resulting in an economic loss to the state and its citizens. We have attempted to adjust to this loss of a major industry by promoting a more robust tourist industry that in part relies on the public taking advantage of the recreational opportunities on the federal lands in our state. The improper implementation of fees for use of these facilities not only is resulting in opposition and dissatisfaction from our Idaho citizens but I believe will result in a decrease in use of these facilities by the general public and will result in a significant negative impact in the tourist industry in Idaho, not to other states as well.

I ask you to look at the current implementation of the Recreational Enhancement Act and the ramifications of continuing assessing fees beyond the intent of the act and to consider repeal of the act.

I have attached with my testimony several copies of articles and other information that I have referred to in preparing my testimony. I hope that the attachments will be helpful in emphasizing the opposition and concern being expressed by our citizens in response to the agencies' implementation of fees as a result of the Act. I have also attached a copy of Joint Memorial No.14 sent to Congress in 2006 asking that the Federal Lands Recreation Enhancement Act enacted December 8, 2004 be repealed. The Joint Memorial was passed by the Idaho Legislature with no dissenting votes in the Senate or House.

Mr. Chairman I request that both my written and oral testimony be included as a part of this hearing and again I thank you and the other Committee members for the opportunity to testify on behalf of Idaho citizens concerned with the current implementation and use of fees for recreational benefits on federal lands.

ATTACHMENT #1

The New York Times

Front Page March 7, 2008

Recreation Fees Rising in Wake of Fires' Costs

By Jim Robbins

HAMILTON, Mont.—Reeling from the high cost of fighting wildfires, federal land agencies have been imposing new fees and increasing existing ones at recreation sites across the West in an effort to raise tens of millions of dollars.

Additionally, hundreds of marginally profitable campsites and other public facilities on federal lands have been closed, and thousands more like overlooks and picnic tables are being considered for removal.

"As fire costs increase, I've got less and less money for other programs," said Dave Bull, superintendent of the Bitterroot National Forest here in Hamilton. The charge for access to Lake Como, a popular boating destination in the national forest, will be increased this year, to $5 from $2.

Last year, the Forest Service collected $60 million in fees nationwide, nearly double the $32 million in 2000. The Bureau of Land Management, the country's biggest landlord, also doubled its revenues over the same period, to more than $14 million from $7 million. The agency projects revenues from the fees will grow an additional $1 million this year.

Though the new and increased fees still account for a small part of the agencies' overall budgets, they have riled elected officials and environmental and recreation groups across the West. The critics complain that there has been insufficient public involvement in the changes—imposed at hundreds of locations over the past three

years or so—and suggest that they reflect a significant shift in federal policy to a market-based approach from one of managing sites for public benefit.

Unlike the National Park Service, which has routinely charged admission and other fees at its parks, the Forest Service, Bureau of Land Management and other federal agencies have historically been less aggressive in imposing such assessments.

"Our government wants to charge us $5 or $10 to go for a walk in the woods—our woods," said Kitty Benzar of the Western Slope No-Fee Coalition, in Durango, Colo. "We don't think it's right."

Senator Max Baucus, Democrat of Montana, has introduced a bill that would repeal the authority of the Forest Service and other agencies to raise or institute many of the fees.

"The authority given land managers is being abused," Mr. Baucus said. "They are using it to pad their budgets at the expense of the public. I think it's just wrong."

Federal officials say the fees are unavoidable because Congress has not increased financing for the Forest Service and the Bureau of Land Management even as the cost of fighting fires on public lands has consumed more of their budgets. The United States has more than 630 million acres of public land, most of it in the West.

"Firefighting costs went from 20 percent of the overall agency budget to 47 percent," said Mr. Bull, comparing the current Forest Service budget with those in the mid-1990s. Last year, the agency spent $1.4 billion on fighting fires.

The nearly $47,000 raised in fees last year at Lake Como went to pay for an employee to direct traffic, to add a lane for boaters entering the lake and more frequent pumping of outhouses, activities that could not have been done because of money diverted to firefighting. Forest Service officials here say the fees are warranted because of the improvements.

"These fees are really important," said Joni Packard, who is in charge of recreational fees for the Forest Service in the region that includes Montana, Idaho, Washington, North Dakota and South Dakota. "They keep our program whole."

But Mr. Baucus called the fees "double taxation" because federal income taxes support public lands. He said he was not opposed to charging for access to developed areas like campgrounds, but not for trails and other undeveloped areas. His bill, introduced in December, is in the Senate Energy and Natural Resources Committee and has the backing of several Western senators, including Michael D. Crapo, Republican of Idaho.

The Umatilla National Forest in Oregon is typical of the new approach at undeveloped or minimally developed locations. Umatilla officials recently proposed 39 new fees, including a $5-a-day charge to use 17 trailheads, most into wilderness areas that are now free. Violators would be subject to tickets and up to $75 fines for the first offense.

Most controversial have been the Forest Service fees for access to large wilderness areas or forests near newly improved areas like parking lots. One of those is along a 14-mile stretch of state highway near Denver that borders the Arapaho and Roosevelt National Forests and tops out on Mount Evans at a scenic overlook. "If people stop their car to take a picture of a mountain goat, rangers can force them to pay a $10 fee," Ms. Benzar said.

Minimal user fees were allowed in developed areas of public lands under the Land and Water Conservation Act, passed in the 1960s. In 1996, the Recreation Fee Demonstration Act expanded the types of fees that could be charged, and the 2004 Federal Lands Recreational Enhancement Act allowed even more.

The 1996 and 2004 acts were passed as riders to larger spending bills, leading critics to complain that they were given insufficient public scrutiny. Most of the objectionable fees have been imposed since 2005, when the 2004 law went into effect. "The public has never had a chance to make themselves heard on this issue, which is a fundamental change to their system of public lands," Ms. Benzar said. The Baucus bill would eliminate all fees being charged under the authority of the 1996 and 2004 laws.

Mr. Baucus proposes to address firefighting problems with separate legislation that would provide $600 million for the Forest Service and $200 million for the Bureau of Land Management. That money would cover about 80 percent of the two agencies' firefighting costs that exceed their appropriated budgets.

Because the Forest Service and Bureau of Land Management keep within their budgets money generated by the new fees, critics suggest that they have an incentive to raise as much as they can. "In some cases, they put out a trash can and picnic table and other things just to meet the minimum so they can charge $5," said Scott Silver, the head of Wild Wilderness, a group in Bend, Ore., that opposes the fees.

That is contrary to the Western way of life, Mr. Baucus said, adding: "We're an outdoor people. The land defines us. It's part of a certain sense of freedom in the West."

Holly Fretwell, a research associate at the Property and Environment Research Center, a free-market research organization in Bozeman, said the fees were the best way to pay for recreation because they made the federal agencies more responsive to the people who use the sites. With fees, Ms. Fretwell said, the agencies "need to provide the service people want or they won't use

---

ATTACHMENT #2

Miracles do happen!

Bonner County (Idaho) Daily Bee, Sunday Dec. 30, 2007

Miracles do happen! In an age of bitter political recrimination, a truly bipartisan bill has just been introduced in the U.S. Congress by Senators Crapo (R-ID) and Baucus (D-MT).

The Fee Repeal and Expanded Access Act (S. 2438) would roll back thousands of fees that Americans are being charged for mere access to their public lands. In 1996, a rider was slipped into an appropriations bill giving federal lands agencies the right to temporarily charge fees for many activities that hitherto had been free to the public and supported by general tax funds. Activities such as backcountry camping, hiking, and merely passing through public lands were now being charged fees. In one California forest they even charged a fee to park near a cliff to see the sunset! Over the years, these fees multiplied like a cancer, all over the US, even reaching into Idaho. Agencies such as the Forest Service, U.S. Fish & Wildlife, and the Bureau of Land Management, starved for funds, created more and more fee areas.

Then in 2004 another rider, making the fees permanent, was slipped into another must-pass appropriations bill. We nicknamed it the R.A.T. (Recreation Access Tax). Agencies now became emboldened in finding questionably legal ways of charging evermore fees. No fees for wilderness camping allowed? No problem. They charged for parking at the trailhead.

In Sandpoint, we collected 400 names on a petition to repeal these fees. My wife, Lanie Johnson, presented the petition to Senator Craig. We asked State Representative George Eskridge to sponsor an Idaho Resolution against the R.A.T. Rep. Eric Anderson co-sponsored it. The resolution passed both houses, unanimously.

We are at the threshold of success, but the way ahead is still challenging. There will be hearings and votes at several levels. We face powerful opposition. There is an entrenched bureaucracy to overcome, as well as the ARC (American Recreation Coalition). It is composed of such organizations as Marriott Hotels, International Association for Amusement Parks & Attractions, and the Walt Disney Company. They lobbied for these fees. They want to "manage" our public lands (i.e. develop them, either in "partnership" with the government or to buy them outright if they can get laws passed allowing them to do so).

American public lands are unique. No other country has anything like them. They belong to Americans. We do not need the king's permission to walk on them. We must keep them this way. Contact Senators Crapo and Baucus and tell them that you support S. 2438. Tell your friends in other states to ask their Senators to cosponsor the bill.

Let's remain the Land of the Free, not the Land of the Fee.

Ken Fischman, Sandpoint, Idaho

ATTACHMENT #3

Casper Star-Tribune

January 30, 2007

Closing campgrounds

By BRODIE FARQUHAR

Star-Tribune correspondent

Stung by negative press about campground closures, as well as criticism from conservation activists about a lack of public involvement in the process, the U.S. Forest Service says it wants to do better.

"Our aim is to raise the standard for participation and strengthen our work with the public so we can collectively determine the needs for forest recreation facilities

and meet future demands," said Forest Service Chief Dale Bosworth this week in a letter to regional foresters. "The ultimate goal is to improve recreation opportunities and experiences on national forests."

The agency's recreation site facility master plan looks not only at campgrounds, but also assesses the viability of picnic areas, boat ramps, vehicle pullouts with interpretative signs and trailhead kiosks.

In one of his last acts as chief of the Forest Service, Bosworth has tapped a national review team to gauge the effectiveness of citizen participation in the recreation facility planning process. He charged the national team to conduct a thorough review and make recommendations by April 2.

For the next 60 days, said Joel Holtrop, deputy chief of the Forest Service, no national forest will make any decisions about what recreational facilities will be closed, kept open or changed to meet public needs. Asked what was the genesis of the recreation facility planning program, Holtrop said it was an internal initiative, not prompted by Congress or the Bush administration. He acknowledged that in the face of mounting criticism and press attention, it was time to figure out how public participation in the process might be best improved.

Scope of closures

The Forest Service manages about 15,000 camping areas and other recreational sites on 155 national forests and 193 million acres of public lands. The agency is imposing a for-profit model on those sites.

In Oregon's Deschutes National Forest, for example, only 14 out of 212 existing developed recreation sites will remain open and free to public use, according to research by Robert Funkhouser, president of the Western Slope No-Fee Coalition in Colorado. All the rest will be shut down, turned over to concessionaires or kept open as fee sites, he said.

In Colorado, half of the 140 campgrounds and other facilities in the Grand Mesa, Uncompahgre and Gunnison national forests face closure. Last month, the Denver Post reported that 44 national forests have gone through the recreation facility planning process, and 10 percent of their facilities are marked for decommissioning or closure, with another 175 forests and national grasslands to complete their reviews by the end of 2007. The Post also reported that seven Rocky Mountain region forests in Colorado and Wyoming have submitted plans which call for either closing or reducing services to about 150 sites. The Shoshone National Forest proposes decommissioning 42 sites.

According to Scott Silver, director of the Wild Wilderness conservation group, "The U.S. Forest Service is generating dozens of 'proposed five-year programs of work' which collectively call for the closing, decommissioning and privatizing (of) hundreds upon hundreds of recreation sites and facilities. The process had been on track to shutter, demolish and/or reduce the season of operation for thousands of recreation facilities from coast to coast.

"The process is geared to concentrating access into relatively few, crowded and expensive to visit, facilities," Silver said. "The process calls for doing away with those special places in the forest were one could enjoy uncrowded, minimally developed, camping. The process is one of transforming the great outdoors into a place where recreation is sold to paying customers and where the quest for making a buck off recreation dominates."

Team leader

Beth Pendleton, deputy regional forester for the Pacific Southwest in California, heads the new review team. She said the team members will study what has happened to date regarding public participation, and will also look at all communication methods and avenues, such as public meetings, public notices, postings on the Internet and working with journalists to get the word out.

Holtrop emphasized that recreation facility planning is not a decision process. Rather, it is an analysis tool, and therefore is not subject to the National Environmental Policy Act's environmental impact statement requirement.

Holtrop was asked if individual national forests that have announced facility changes and closures would "have to start over." He said different circumstances would apply to different forests, based on the degree that the public was or was not involved. Holtrop did keep the door open to reversing national forest decisions to close individual recreation facilities.

ATTACHMENT #4

IDAHO STATESMAN

APRIL 13, 2008

Zimo: The commercialization of public lands has to stop

Pete Zimowsky

Campers, hikers, hunters, anglers, bird watchers and others are being priced out of the woods.

Recent proposals to increase campground fees in the Boise and Sawtooth national forests have only fueled the fire. A grass-roots effort has been mounting against federal recreation fees, and Sens. Mike Crapo, R-Idaho, and Max Baucus, D-Mont., have introduced the Fee Repeal and Expanded Access Act of 2007. The bill would revoke the authority of federal agencies to add or raise fees established under the Recreational Fee Demonstration Program.

"Recreating on federal public lands has been a cherished birthright of Americans for generations and, with a few narrow exceptions, a right enjoyed without charge," said Kitty Benzar, president of the Western Slope No-Fee Coalition, based in Durango, Colo. (www.westernslopenofee.org). "The 1996 Recreational Fee Demonstration Program radically altered that tradition by requiring payment simply to access public lands for hiking, camping and many other activities," she said. Benzar is backing the Senate bill to repeal fees and halt what she calls the commercialization of public lands.

The term commercialization of public lands is the key. Many thought the rec fee program was going to be good because it took recreation fees and kept them locally for recreational improvements. It did improve boat-launch areas and restrooms along the Payette River near Banks. But the program went bonkers. Because it kept fees local and out of the Treasury, federal agencies scrambled to come up with ways to charge for everything they could get away with, including picnics in the woods.

Federal agencies have got it all wrong now—they're milking the public in any way possible. The Baucus bill will reverse that and hopefully turn the tide on out-of-control rec fees.

Let's get something straight: A rec fee is a tax. Politicians like to say they are cutting your taxes, but then they nail you with higher user fees. It's a tax in disguise. Raising campground fees and charging other rec fees isn't the answer to funding recreation sites.

Congress has to make sure recreation budgets for the U.S. Forest Service, U.S. Bureau of Land Management, U.S. Fish and Wildlife Service or whatever other agency that handles public lands are fully funded. Congress has to make sure the money gets down to the district level where it is needed for campground and recreation-site maintenance and operation. Recreation funding doesn't need to go to the Washington bureaucracy. It doesn't need to go to the regional bureaucracy. It needs to go to the district.

Federal agencies at the ground level have a legitimate gripe about funding. In announcing a proposal to raise campground fees last fall, the Boise National Forest listed some figures. Revenue from recreation fees and appropriations from Congress amount to roughly $650,000. Boise National Forest has an operation and maintenance budget of $760,000 annually. It also is dealing with $1.6 million in maintenance and improvements that are not getting done.

But that's no excuse to price the average camper out of the woods with higher camping fees, fees to take a walk in the woods, or fees to park at a trailhead or picnic area. The concept of public ownership of public lands has been lost. Federal agencies now refer to the public as customers. The more federal agencies operate the outdoors like a commodity, the more the public loses.

It's the same with the privatization of the operation of federal campgrounds. Private companies close campgrounds as soon as the first cool breeze hits after Labor Day weekend. They don't want to be maintaining campgrounds if only a few campers show up. It's not profitable. Profitable? It's not Disneyland.

There should be some fees. Areas that require significant upkeep, such as developed campgrounds, should have a modest fee. But let's not price the public out of the outdoors.

ATTACHMENT #5

HOUSE JOINT MEMORIAL NO. 14

LEGISLATURE OF THE STATE OF IDAHO

Fifty-eighth Legislature

Second Regular Session

2006

IN THE HOUSE OF REPRESENTATIVES

HOUSE JOINT MEMORIAL NO. 14

BY RESOURCES AND CONSERVATION COMMITTEE

A JOINT MEMORIAL

TO THE PRESIDENT AND VICE PRESIDENT OF THE UNITED STATES, TO THE SECRETARY OF THE UNITED STATES DEPARTMENT OF INTERIOR, TO THE MAJORITY AND MINORITY LEADERSHIP OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE UNITED STATES IN CONGRESS ASSEMBLED, AND TO THE CONGRESSIONAL DELEGATION REPRESENTING THE STATE OF IDAHO IN THE CONGRESS OF THE UNITED STATES.

We, your Memorialists, the House of Representatives and the Senate of the State of Idaho assembled in the Second Regular Session of the Fifty-eighth Idaho Legislature, do hereby respectfully represent that:

WHEREAS, the Federal Lands Recreation Enhancement Act, H.R. 3283, 108th United States Congress, was introduced in the United States House of Representatives and would have authorized the United States Forest Service, the United States Bureau of Land Management, the United States Fish and Wildlife Service, the National Park Service, and the United States Bureau of Reclamation to charge visitor fees for recreation on publicly owned lands; and

WHEREAS, H.R. 3283 was not voted on separately in the United States House Representatives and was not introduced in, did not have hearings in, and was not approved by the United States Senate, but instead was attached to the omnibus spending bill, H.R. 4818, by the 108th United States Congress, as an appropriation rider; and

WHEREAS, the 108th United States Congress enacted H.R. 4818, and the Federal Lands Recreation Enhancement Act is now codified as 16 U.S.C. sections 6801 through 6814; and

WHEREAS, the Federal Lands Recreation Enhancement Act includes criminal penalties and is substantive legislation that fundamentally changes the way public land in the state is funded and managed; and

WHEREAS, the concept of paying fees to use public land is contrary to the idea that public land belongs to the people of the state and is land where every person is granted access and is welcome, a concept that has been and should remain in place; and

WHEREAS, recreational fees constitute double taxation and bear no relationship to the actual costs associated with recreational use such as hiking, picnicking, observing wildlife, or scenic driving on state roads and public rights-of-way; and

WHEREAS, the fees imposed by the Federal Lands Recreation Enhancement Act are a regressive tax that places an undue burden on the people living in rural areas adjacent to or surrounded by large areas of federal land and discriminates against lower-income and working Idahoans by placing financial obstacles in the way of their enjoyment of public land; and

WHEREAS, the public land access fees in the Federal Lands Recreation Enhancement Act are controversial and are opposed by hundreds of organizations, several state legislatures and millions of rural Americans; and

WHEREAS, the Federal Lands Recreation Enhancement Act establishes an interagency pass that may be used to cover entrance fees and recreational amenity fees for federal public land and water, disregarding the substantially different ways in which national parks and other federal public land are managed and funded; and

WHEREAS, the limited means of expressing opposition to and the lack of public debate in the implementation of the fee program raises the concern that some citizens may be deterred from visiting and enjoying public land in the state and throughout the United States; and

WHEREAS, tourism is an important industry to the state, and the imposition of recreational use fees will have a negative effect on state and local economies.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Fifty-eighth Idaho Legislature, the House of Representatives and the Senate concurring therein, that the Legislature of the State of Idaho demands that the Federal Lands Recreation Enhancement Act, which was enacted on December 8, 2004, be repealed and that no recreational fees authorized under the Federal Lands Recreation Enhancement Act be imposed to use federal public land in the state.

BE IT FURTHER RESOLVED that the Chief Clerk of the House of Representatives be, and she is hereby authorized and directed to forward a copy of this Memorial to be sent to The Honorable George W. Bush, President of the United States; The Honorable Richard B. Cheney, Vice-President of the United States and President of the U.S. Senate; The Honorable Gale Norton, United States Secretary of the Interior; The Honorable J. Dennis Hastert, Speaker of the U.S. House of Representatives; The Honorable Ted Stevens, President Pro Tempore of the U.S. Senate, The Honorable William H. Frist, Majority Leader of the U.S. Senate; The Honorable Harry Reid, Minority Leader of the U.S. Senate; The Honorable John Boehner, Majority Leader of the U.S. House of Representatives; The Honorable Nancy Pelosi, Minority Leader of the U.S. House of Representatives; and the congressional delegation representing the State of Idaho in the Congress of the United States.

Mr. GRIJALVA. Thank you, Mr. Representative. You made a point, toward the end, about the cost being a deterrent for some families and some individuals. If there is no objection, the National Park Service Comprehensive Survey of the American Public Ethnic and Racial Diversity of National Park System Visitors and Nonvisitors Technical Report, December 2003, deals specifically with the issue of cost and the issue of access by some families and nonaccess by other families, based primarily on the fee interest and other costs associated with visiting our public lands. So thank you for that reminder, and, if there is no objection, that will be made part of the record.

Let me now call Ms. Kitty Benzar, President, Western Slope No-Fee Coalition. Your comments, please.

STATEMENT OF KITTY BENZAR, PRESIDENT, WESTERN SLOPE NO-FEE COALITION

Ms. BENZAR. Thank you, Mr. Chairman, and, with your indulgence, I would like to dedicate my appearance here today to the memory of my late friend and colleague, Robert Funkhouser, who should have been in this seat but is, instead, watching the proceedings from a better place where I do not think he paid an entrance fee.

Mr. Chairman and Members of the Subcommittee, I am here to call on Congress to repeal the provisions of the FLREA that apply to the Forest Service and to the BLM, to restore the laws there were in effect successfully for 30 years under the Land and Water Conservation Fund Act. That would be the impact of the bill that is pending in the Senate, and we strongly support that bill.

I would like to use the remainder of my time to address some of the things that were said earlier by the agency witnesses, starting with Mr. Regula's correct statement that this whole program was started as a way to address backlogged maintenance on our National Forests.

My first observation of that would be that the GAO, in two different studies, has found that the Forest Service and the BLM do not do an accurate job of tracking their backlogged maintenance

and cannot account for how much of that maintenance has been impacted by fees.

My second comment on that would be that their answer to what would happen if these fees went away was, "We will be able to build fewer capital improvements." I thought the money was for backlogged maintenance, not for capital improvements.

They quote a couple of satisfaction surveys, 80 percent satisfaction. I would just point out that they were doing surveys of people who had already paid a fee. There is no way to survey the number of people that are deterred by these fees. However, academic studies have shown that about half of lower-income Americans are deterred by these fees, and about a third of all Americans, at all income levels, are deterred by these fees.

Visitation to our public lands is down across the board. It is down on the National Forests; it is down on the National Parks. Visitation is going to continue to go down, with the cost of gas what it is. This decline in visitation is not good for our country. We have kids who need to spend more time outdoors. We need not to be deterring them from visiting their public lands.

I would like to specifically address a statement that was made in response to a question from Congresswoman Capps, that there are not more fee sites now than there were. I believe that there are more fee sites. The list of 435 sites that the Forest Service claims to have dropped initially from the program; when we analyzed it, more than half of those had never been fee sites, or were rolled into a HIRA and are still fee sites to this day, or, at that time, did not qualify, but they are planning to put in the improvements to help them qualify.

In the meantime, the Recreation Resource Advisory Committees have approved, at least, that we can find out about, 545 new and increased fee sites; of those, 172 brand-new fee sites.

There are more fee sites today than there were when this act was passed.

I also heard the statement that you will not pay an interest fee on a Forest Service or BLM piece of public land. I would direct the Committee's attention to Yaquina Head, an outstanding natural area in the State of Oregon, where a press release recently came out that said: "Entrance Fee at Yaquina Head To Be Increased." It was a proposal that has been approved by the Pacific Northwest Recreation Resource Advisory Committee.

We have been told that people are only charged a HIRA fee for facilities that they use. I am sorry, but that is just not the case. People are charged a fee in a HIRA for any presence in that area, specifically, for parking their car in that area. The law specifically says, "Fees cannot be charged for roadside parking." I would direct you to the sign that stands, to this day, on the Coronado National Forest at Mount Lemon.

One week ago today, Wednesday, a citizen of Tucson was tried in Federal Magistrate Court for parking his car along a roadside, playing in the snow with his wife and daughter, a mile and a half from the nearest bathroom, which is not a Forest Service bathroom. It is part of a communications site, and it is not clear it is even open to the public. He used no facilities. He was in a completely undeveloped area. His crime was parking by the roadside without

paying $5. A Federal magistrate has that case under advisement as we speak.

It is easy not to charge for backcountry access if you just charge for the trailheads. There are trailhead fees all over this country. There are more than 500 in the Pacific Northwest alone. There are hundreds more in Southern California. You do not have to charge for the backcountry; you just charge for the trailhead.

Commissions to vendors for selling fees are not being counted as a cost of the fee program. The cost of the Recreation Resource Advisory Committees is not being counted as a cost to the fee program. Congress has absolutely no way of knowing what this fee program is costing because the numbers are not there. The agencies' accounting systems simply do not allow them.

I believe I am out of time. I would like to offer to answer any questions that you have, and I thank you for your attention.

[The prepared statement of Ms. Benzar follows:]

Statement of Kitty Benzar, President, Western Slope No-Fee Coalition

Mr. Chairman and Distinguished Members of the Subcommittee;

Thank you for the privilege of testifying before you today concerning implementation of the Federal Lands Recreation Enhancement Act by the USDA-Forest Service and the Bureau of Land Management.

I am Kitty Benzar, President of the Western Slope No-Fee Coalition, an organization that works to restore the tradition of public lands that belong to the American people and are places where everyone has access and is welcome. I am speaking to you today on behalf of our supporters, on behalf of the organizations with whom we closely work, and on behalf of millions of our fellow citizens who believe as we do that FLREA is not working and, quite frankly, cannot be made to work no matter how much it is tinkered with.

The Federal Lands Recreation Enhancement Act, like the Fee Demo law that preceded it, was enacted as a rider on an omnibus appropriations bill. Despite being a profound change in public policy, it never received a vote on the floor of the House and was never introduced in the Senate. The fees being charged under its authority constitute a double tax on the American people, levied directly by the land management agencies. They are a regressive tax that, according to published academic reports, is both exclusionary and discriminatory.

These fees have harmed communities located near or surrounded by federal lands, unfairly limited public access, and subjected citizens to severe criminal penalties. They have made it more difficult for Americans to experience the joys and benefits of outdoor recreation and access to nature.

Many of these fees go far beyond the scope of the law and, I believe, far beyond what Congress intends. By allowing the agencies to directly retain fee revenue, this law has created incentives for ever-more and ever-higher fees and has undermined Congressional oversight authority.

In a press release issued at the time the FLREA was passed, its original sponsor, U.S. Representative Ralph Regula, expressed his intent:

> "As passed by Congress, H.R. 3283 would limit the recreation fee authorization on the land management agencies. No fees may be charged for the following: solely for parking, picnicking, horseback riding through, general access, dispersed areas with low or no investments, for persons passing through an area, camping at undeveloped sites, overlooks, public roads or highways, private roads, hunting or fishing, and official business. Additionally, no entrance fees will be charged for any recreational activities on BLM, USFS, or BOR lands. This is a significant change from the original language. The language included by the Resources Committee is much more restrictive and specific on where fees can and cannot be charged." [emphasis in original]

At the time of its passage we predicted, accurately as it turns out, that the Forest Service and BLM would use the ambiguities and weaknesses in the language of the FLREA to perpetuate and expand the broad and unlimited fee programs that they had implemented under the Fee Demo authority. Today the agencies are pushing past the limitations specified in the law because of the perverse incentives it creates to maximize revenues at the public expense.

The FLREA, as Representative Regula correctly stated, contains a number of provisions designed to protect free access. There are prohibitions on charging Standard Amenity or Expanded Amenity fees "(A) Solely for parking, undesignated parking, or picnicking along roads or trailsides. (B) For general access...(C) For dispersed areas with low or no investment...(D) For persons who are driving through, walking through, boating through, horseback riding through, or hiking through Federal recreational lands and waters without using the facilities and services. (E) For camping at undeveloped sites that do not provide a minimum number of facilities and services...(F) For use of overlooks or scenic pullouts. (G) For travel by private, noncommercial vehicle over any national parkway or any road or highway established as a part of the Federal-aid system..." [Section 803 (d)(1)].

It also states in Section 803 (e) (2) "The Secretary shall not charge an entrance fee for Federal recreational lands and waters managed by the Bureau of Land Management, the Bureau of Reclamation, or the Forest Service.

Section 803 (f) (4) says that Standard Amenity fee areas must contain all of six minimum amenities: Designated developed parking, a permanent toilet facility, a permanent trash receptacle, an interpretive sign or kiosk, picnic tables, and security services.

USDA-Forest Service and BLM Are Disregarding The Restrictions In The FLREA

In 2005, shortly after passage of the Federal Lands Recreation Enhancement Act with its new restrictions, we launched a nationwide grassroots survey of Forest Service and BLM fee sites. We asked our members and supporters to visit fee areas near their homes, observe whether they comply with the provisions in the new law, and report to us those that did not. The resulting report documented over 300 non-compliant sites, and was submitted to the Senate Energy and Natural Resources Committee in late 2005. Since then, Forest Service officials have provided further information to the Senate showing that there are at least 738 non-compliant sites on the National Forest system, plus an unknown number on the BLM.

There are clear patterns to the excesses in implementation by the BLM and Forest Service. They have created a category of fees that was not authorized by Congress called "High Impact Recreation Areas." They are charging fees at thousands of trailheads that provide access to dispersed undeveloped backcountry, and they are stretching the Special Recreation Permit authority to cover virtually any type of recreational activity. As a result, de facto entrance fees are controlling access to huge tracts of public land.

Non-compliant fee programs fall into three broad categories:

1) "High Impact Recreation Areas" (HIRAs)

The agencies are using a category called a HIRA that does not appear anywhere in the law. A HIRA is an area—often a large area—where a fee is required for all access, whether or not any facilities or services are used and regardless of how spread out the facilities might be. Under the guise of HIRAs, Standard Amenity fees are being charged for driving scenic roads and stopping at scenic overlooks, for entrance to huge tracts of land and access to dispersed backcountry, and for groups of sites with low or no federal investment. Information submitted to the Senate by the Forest Service in 2005 showed that a full 75% of Standard Amenity fee sites within HIRAs don't have all six of the amenities the law requires.

The language in the FLREA stating that a fee can be charged for an area with certain amenities, but failing to define how large the "area" can be, opened the door to HIRAs. Examples:

- In Southern California, 31 HIRAs comprising almost 400,000 acres have been established on four National Forests.
- At Mt. Lemmon, on the Coronado National Forest in Arizona, virtually the entire 256,000-acre Santa Catalina Ranger District has been declared a HIRA and fees are being charged for picnicking, dispersed undeveloped camping, roadside parking, snowplay in undeveloped areas, trailheads, and restrooms.
- In Colorado, the Arapaho-Roosevelt National Forest has declared two HIRAs. The first is at Mt Evans, where Colorado State Highway 5 has become a de facto toll road and entrance fees must be paid to the Forest Service in order to enjoy a scenic overlook, hike into the adjacent designated Wilderness, or simply use a portajohn. The other is the 36,000-acre Arapaho National Recreation Area where entrance fees are charged for access to six trailheads, five picnic areas, and five boat launches.

2) Special Recreation Permits

The section of the Federal Lands Recreation Enhancement Act that authorizes Special Recreation Permit fees says, in its entirety:

"The Secretary may issue a special recreation permit, and charge a special recreation permit fee in connection with the issuance of the permit, for specialized recreation uses of Federal recreational lands and waters, such as group activities, recreation events, motorized recreational vehicle use."

That language was carried forward essentially unchanged from what was in the Land and Water Conservation Fund Act, the law that governed federal recreation fees from 1965 through 1996.

Under LWCFA, the agencies used their Special Recreation Permit authority mainly for large gatherings such as weddings and competitive events. But under FLREA the same language is being interpreted in an entirely new way. It's being stretched to cover ordinary uses such as a family hiking trip, an individual ride on an OHV or mountain bike trail, and general access to backcountry by foot, horseback, or hand-carried boat.

SRPs are being used to generate revenue at places and for uses that can't be shoehorned into the requirements for Standard Amenity and Expanded Amenity fees. Where it isn't practical, or sometimes isn't even legal, to provide any amenities, requiring a permit is the method being used to elicit fee revenue from people who visit areas that have little or no federal investment. The restrictions under the other fee categories, such as not charging for children under 16, do not apply to SRPs. Examples of excesses under the permit authority include:

- Wayne National Forest, Ohio: Fees are charged for 406 miles of OHV, mountain bike, and horse trails. The trail fee was raised from $5 to $12 in April, 2007.
- Cedar Mesa, Utah: BLM requires a fee for all hiking in 400,000 acres that includes 7 remote canyons and 11 trailheads. This is a completely undeveloped area that received at last report only 8,283 visitors a year and has no maintenance backlog. The fee for backcountry day-hiking there was increased this year from $3 to $5 and applies to both adults and children.
- Both the Forest Service and BLM are requiring SRPs and charging fees, to both adults and children, for entry to designated Wilderness Areas that are completely primitive by definition. Examples include Boundary Waters Wilderness, MN (USFS), Aravaipa Canyon, AZ (BLM), Paria Canyon-Vermillion Cliffs Wilderness, UT/AZ (BLM), and above 10,000 feet elevation at Mt Shasta Wilderness, CA (USFS). All of these fees have either been increased or are proposed for an increase since the FLREA was enacted.
- Hidden fees: In some places, like the Alpine Lakes, Glacier Peak, and Pasayten Wildernesses in the Pacific Northwest, there is no charge for the wilderness permit itself, but vehicles parked at wilderness trailheads must display a Northwest Forest Pass, which amounts to the same thing.

The WSNFC is not opposed to permit systems where access must be limited to protect fragile resources or to distribute use. But charging a fee for such permits creates a barrier that discourages people from visiting some of the most beautiful places in America—places they own and have an equal right to visit regardless of their financial resources. Permit fees are being used to sidestep the provisions in the FLREA against charging for backcountry use, dispersed and undeveloped camping, use of roads and trails, and passing through without use of facilities.

3) Trailhead Fees

At thousands of sites nationwide, citizens are being charged a fee to park their vehicle at a trailhead or simple staging area and go for a hike, horseback ride, or to use an OHV trail. The law prohibits charging a fee solely for parking, or for passing through a fee area without using the facilities, yet that is exactly what trailhead fees are for.

Examples of trailhead fees:

- White Mountain National Forest, New Hampshire: A Parking Pass is required at 44 trailheads and river access sites. These fees control access to most of the Forest's backcountry.
- Forest Service Region 6: In the Pacific Northwest, a pass is required at over 500 day-use sites, mostly trailheads, on twelve National Forests. On the Mt Baker-Snoqualmie National Forest alone, there are more than 100 fee trailheads.
- Southern California: An Adventure Pass is required at 22 trailheads on the Angeles National Forest, 12 trailheads on the Cleveland National Forest, 13 trailheads on the Los Padres National Forest, and 49 trailheads on the San Bernardino National Forest.
- Colorado: Winter recreationists at Vail Pass must purchase a pass before accessing 55,000 acres of backcountry by snowmobile, snowshoe, or cross-country ski, even though the parking area and toilet facilities are provided by the Colorado Department of Transportation as a rest area for travelers on Interstate 70.

Fee trailheads, whether developed or not, are being used to prevent free access to dispersed backcountry and undeveloped camping, and to charge for general access, in violation of the FLREA.

The Public Is Being Excluded From Fee Decisions

We have grave concerns about the establishment and effectiveness of the Recreation Resource Advisory Committees that are mandated in the FLREA. These RRACs are composed of 11 members, mainly from various public land user groups and the outfitter/guide community. Their purpose is to advise the Secretaries of Interior and Agriculture on the implementation, expansion, increase, or elimination of fees.

While the groups represented on the RRACs come from diverse interests, almost all are beholden to the Forest Service and BLM for continued access for their particular activity on public land. They must go along with agency fee proposals or face potential consequences that would be detrimental to the groups they represent. That gives the RRAC members little leeway in weighing various proposals concerning fees, and gives the agencies undue influence over the committees' recommendations.

The Forest Service and BLM have shown no inclination to use the RRACs to bring the general public into decisions about fees. Both agencies instigated new fees and permits at many sites before any RRACs were established. Since choosing their committee members in 2007, the meetings have been publicized poorly or not at all. Meetings have been held by teleconference and have had their dates and locations changed on short notice. All meetings to date have been on weekdays during the day, and many have lasted two days, making it unlikely that members of the public can attend. Agendas are not always provided in advance, and minutes aren't posted until months after the meetings, if at all. Over 500 new and increased fees have received RRAC approval in the past year, and hundreds more are on upcoming agendas. The RRACs are operating as rubber stamps for virtually all agency fee proposals.

Whether or not the agencies can implement a particular fee should be determined by a clear, concise law that spells out exactly what is allowed and what is not. Before Fee Demo we had such a law—the Land and Water Conservation Fund Act—and advisory committees were unnecessary.

These Recreation Resource Advisory Committees are appointed by the agencies, controlled by the agencies, and are obediently doing the agencies' bidding. As a vehicle for public participation, they are a sham.

Fee Excesses Make Criminals Out Of Citizens

These documented excesses by the Forest Service and BLM cause special concern when viewed in the context of the severe criminal penalties for failure to pay FLREA fees. The law allows the agencies to charge either a Class A or Class B misdemeanor and specifies prima facie guilt for the driver, owner, and all occupants of a vehicle failing to display a required pass. Although first offenses are capped at a $100 fine, they still create a criminal record, and subsequent offenses are subject to penalties up to $100,000 and/or 1 year in jail. Despite the fact that many fees do not meet the requirements of the FLREA, a citizen who fails to pay a $5 fee to hike into a Wilderness Area or ride on an OHV trail, or who does pay but fails to display the pass correctly, or who loans their vehicle to a friend or family member who fails to pay, risks a permanent criminal record, heavy fine, and potential jail time.

This policy of "guilty until proven innocent," combined with the questionable legality of HIRA fees, deserves to be scrutinized by the judicial system, but that has so far been prevented from occurring. In the first HIRA criminal case to go to court, on the Coronado National Forest in Arizona, the defendant made public her intent to appeal her anticipated conviction for not paying the HIRA fee because she had only used an undeveloped area. The Forest Service dropped that charge just days before her trial, preventing the legal issues surrounding HIRAs from being explored by the courts. Since then, the Coronado and other Forests have been aggressively citing and prosecuting citizens for not paying fees that are specifically prohibited in the law, such as roadside parking fees, because the offense charged occurred within a HIRA.

Fee Programs Continue The Same As Under Fee Demo, Despite Increased Restrictions In The FLREA

The framers of the FLREA said that it would provide stronger protections for public access to public land than the Fee Demo program did, and compliance with the provisions of the FLREA was mandatory as of December 8, 2004. By now, the Forest Service and BLM should have dropped fees at thousands of Fee Demo sites. Instead, they continue to charge non-compliant fees nationwide. The BLM has not dropped

a single one of their fee programs, and in fact shortly after the FLREA was enacted they added 38 new fee sites in six states, without following the requirements for public participation specified in the FLREA.

In a June 2005 press release the Forest Service said,

> *"All Forest Service units that charged recreation fees under the old fee demo program reviewed their current fee sites and determined whether or not their sites meet requirements as outlined under [the new law]. As a result approximately 500 day-use sites will be removed this year..."*

At that time we obtained the list of 480 sites referred to, and compared it to the list of over 4,500 Fee Demo sites the Forest Service had reported as in effect on December 8, 2004. Their claim that 480 sites were being dropped because of the new law turned out to be unsupportable because more than half of those sites either were never listed as Fee Demo sites, were already closed, are within HIRAs that continue to charge fees to enter the larger area, will have fees reinstated as soon as planned improvements are completed, or for some other reason. Examples:

- Six "dropped" sites along the Paint Creek Corridor on the Cherokee National Forest in Tennessee had already been closed due to flood damage.
- Four "dropped" sites on the Humboldt-Toiyabe National Forest in Nevada eliminated their shoulder-season fees but retained fees during prime season when concessionaires operate them.
- The "dropped" Squire Creek trailhead on the Mt Baker-Snoqualmie Forest in Washington had already been closed because its access road is washed out.
- For the Justrite Campground on Idaho's Payette National Forest, the Forest Service comments state, "Fees were authorized for this site under [Fee Demo], with the intention of charging fees when improvements were made. They were not made, so fees were never charged. Site is being dropped from fee program for now." So it never did charge fees, but there are plans for it to become a fee site in the future.
- On the Bridger-Teton Forest in Wyoming, the Bridge and Lynx Creek Campgrounds were listed as dropped sites with the comment, "We stopped charging a fee here several years ago."

All of these were included in the 480 sites that the Forest Service claimed were Fee Demo sites that did not meet the new criteria. It is hard not to conclude that the Forest Service was deliberately misleading the public and the Congress with this list. Since 2007, the Forest Service and BLM have implemented at least 545 new and increased fees. There are now even more fee sites than existed under Fee Demo, despite the increased restrictions in the law.

The True Cost Of Fee Programs Is Impossible To Know

The Federal Lands Recreation Enhancement Act says,

> *"The Secretary may use not more than an average of 15 percent of total revenues collected under this Act for administration, overhead, and indirect costs related to the recreation fee program by that Secretary."*

The first FLREA Triennial Report to Congress, issued for FY2005, openly admitted that the average cost of collection across all agencies was 18.7%, and the "cost of collection" category does not even attempt to capture administrative and indirect costs.

The Forest Service and BLM are spending well over the law's 15% limit on fee program costs. Significant expenses, such commissions paid to private vendors for pass sales, and the expenses of the Recreation Resource Advisory Committees, are not accounted for as program overhead.

Since FLREA replaced Fee Demo there has been no detailed financial information about fee programs reported to Congress. Under Fee Demo, reports were required annually and there was a line item in every annual report for every individual project, with year-by-year comparison data. Now reports are required only every three years and since project-level data is not required, it is no longer either reported or tracked.

Examples of financial problems:

- In Colorado the Forest Service reports they had $1.5 million in FLREA revenue in 2006 and are budgeting about $50,000 per RRAC meeting. They have had two meetings so far with a third scheduled for June. So the RRAC alone is costing at least 10% of fee revenue. The Forest Service is paying those costs out of appropriated funding and they are not counting them toward the 15% cap, even though the sole purpose of the RRAC is to make recommendations about fee programs.
- The Forest Service sells a great many passes through private vendors without accounting for the vendor commission as a cost of collection. The southern California National Forests sell 60% of Adventure Passes through vendors, who

take a 10-20% commission. That commission is not included in their cost of collection.

- At Indian Peaks Wilderness on the Arapaho National Forest, 20% of overnight camping permits are sold through a private vendor who keeps 100% of the revenue, putting that program over the 15% limit before they account for a penny of in-house costs.
- In the Triennial Report, BLM reported gross fee revenue of $13.3 million with a 9.6% cost of collection. That was a dramatic drop in cost of collection from 15.8% in the previous report, but it was merely the result of re-categorizing some costs, not a true reduction, and did not reflect administrative overhead.
- The Government Accountability Office reported in GAO-06-1016 that the federal land management agencies were carrying unobligated fee revenue of almost $300 million. In the Forest Service, 107 units had an unobligated balance, and 63 of those, or 58%, had more than a year's worth of fee revenue in their unobligated fund. At BLM 56 units had unobligated funds, and 26 of those, or 46%, had more than a year's revenue on hand.

These problems—the lack of detailed and accurate financial information, shifting of costs arbitrarily from one category to another, paying fee program overhead from appropriated funding, and collection of fees far in excess of actual needs—make it impossible for either the public or Congress to know the true cost of federal recreation fee programs.

Despite Fees, Recreation Facilities Are Being Closed

Under a Forest Service program originally called Recreation Site-Facility Master Planning but since renamed Recreation Facility Analysis, developed recreation sites such as campgrounds and picnic areas are being rated as to their sustainability and marketability. Those that are not profitable (including unprofitable fee sites) will be either closed to public use or have their amenities removed and be downgraded to dispersed use sites. BLM's Cost Recovery policy calls for much the same thing.

One Colorado Forest Service official was quoted in the press saying

> *"In our development sites we've been told they need to pay for themselves, or we need to get rid of them."*

The article goes on to say that the official,

> *"attributed the cuts to decisions made in Washington. "Last December, Congress passed fee legislation in the Federal Land Recreation Enhancement Act," he said, adding that the local district rangers were simply following federal orders. "They're being forced to do a lot of what they're doing here," he said. "As for doing nothing, we can't legally do that. So there's no easy answer...."*

In fact, the FLREA has no provisions mandating that recreation facilities pay their own way in fees or be closed. That is an agency policy that is very unpopular with Americans and the agencies are trying to lay the blame for it at Congress's feet. These doctrines are currently being incorporated into Forest Travel Plans and Forest Management Plans and into the Resource Management Planning process in the BLM. While Congress has not vetted these policies, they are being applied nationally with enormous implications for how the FLREA will be implemented and for the overall availability of diverse recreational opportunities on our public lands.

RS-FMP/RFA and Cost Recovery will certainly have a negative impact on local tourist economies as recreational opportunities disappear. They will restrict public access to public land despite the fact that the agencies still receive a vast majority of their funding from the taxpayer through Congressional appropriations. The implication is that most, if not all, recreational sites, areas, and uses must be profitable, through fees and permits, or they will be closed.

These policies conflict with the language in the FLREA protecting the public's right to access dispersed areas of public land and to use minimally developed sites without the burden of fees. The doctrine of "fee or close" represented by the RS-FMP/RFA and Cost Recovery leaves the agencies' ability to comply with the FLREA in question.

Fee Demo and the Federal Lands Recreation Enhancement Act Have Failed

Americans are being double taxed because too much appropriated funding is diverted into administrative overhead, leaving local managers to raise their own budgets with fees. Visitation to public lands has declined, local economies are being harmed, low-income and working families are being excluded, and law-abiding citizens are being turned into criminals. Nature Deficit Disorder in children has become a national concern, and childhood obesity is an increasingly serious problem. Financial accountability has been lost and Congressional oversight has been weakened.

I think we should be making it easier, not more difficult, for Americans to visit and enjoy their public lands. Low-income and working families shouldn't be faced with financial barriers if they want to take their kids for a hike in a National Forest. The health and spiritual benefits of outdoor activities and access to nature shouldn't be reserved only for those with cash. Studies have shown over and over that even a modest fee deters many Americans from using their public lands. That's not good for America and it's eroding public support for the land management agencies.

Resolutions of opposition to Fee Demo and/or FLREA have been sent to Congress by the state legislatures of Colorado, Oregon, California, New Hampshire, Idaho, Montana, and the Alaska House of Representatives. Dozens of county and municipal elected bodies across the nation, as well as hundreds of organized groups, oppose fees for general access to National Forests and BLM lands or for recreation in undeveloped areas. Congressional action to remove these excessive fees and restore public access to public land will be applauded from coast to coast.

Federal recreation fees began as an experiment, and the experiment has failed. Speaking on behalf of Western Slope No Fee Coalition and so many others who cannot be here today, I urge the distinguished Members of this Subcommittee to take decisive action to remedy the excesses and abuses that are occurring on our public lands. The only way to accomplish that, I believe, is to repeal the Federal Lands Recreation Enhancement Act and return to the policies that served America well for thirty years under the Land and Water Conservation Fund Act. A bill that would achieve that goal is pending now in the Senate and I hope a companion bill will be introduced soon in the House.

Thank you for the opportunity to present these facts and observations. I am available for any questions you may have.

Mr. GRIJALVA. Thank you for your testimony.

Let me now ask Mr. Richard Dolesh, Senior Director of Public Policy, National Recreation and Park Association to speak. Welcome and thank you for your appearance.

STATEMENT OF RICHARD J. DOLESH, SENIOR DIRECTOR OF PUBLIC POLICY, NATIONAL RECREATION AND PARK ASSOCIATION

Mr. DOLESH. Thank you, Mr. Chairman and Members of the Subcommittee. The National Recreation and Park Association has had a long interest in the charging of fees on public lands and for the use and access of parks.

NRPA and its members generally support the concept of fee charges for public lands and public parks for special uses and for specialized users. We believe that the public generally supports fee charges if they are reasonable, understood as providing special access for special users, and they believe it is reasonable if a portion of those fees goes back to support the public lands unit that generates the fees.

As Fee Demo, and now the Federal Lands Recreation and Enhancement Act, have shown, in many instances, however, there are major inconsistencies in the management of these fee charges and the application of how the fees are charged. There has been public confusion and misunderstanding as to why certain fees are charged and what is done with the revenue.

Speaking from the point of view of our members of our national organization, who broadly represent parks and recreation at all levels, and through the entire system of parks and recreation in America, there are a few key points I would like to make.

First, we are constantly reminded by our members that the public generally does not know or care which agency owns the land and manages the land. Often, they do not know whether the lands

are part of the Federal government or the state or local government. They merely want to have quality recreational experiences on our nation's public lands with their families and friends in the least-restrictive and most enjoyable manner that they can.

The implication for the Federal Lands Recreation and Enhancement Act and the application of fees is that all of the Federal agency land managers need to give top priority to creating and maintaining a seamless system that does not confuse or alienate the public, which makes it affordable, and even welcoming, for the public to use and enjoy the lands.

As I said, we believe that most people support the principle of paying a fee charge for specialized facilities within the public lands, such as campgrounds, boat ramps, and other special-purpose amenities that are truly extra or special, with the understanding that much of their fee will go to the operation and maintenance and upgrading of such facilities.

However, many people find it difficult to understand and support paying for an entrance or access to public lands for which there is no special use or no special amenities, and they also have a hard time understanding and accepting they are being charged an extra fee of the site provides a bench for them to sit on, a bathroom or restrooms to use, or a parking space. It is also difficult for the public to accept the layering of additional fees or multiple charges by different agencies as Federal land unit boundaries are crossed.

These are issues we encourage you to look at, frankly, as you conduct your oversight. We note the budgetary pressures on the Federal land managing agencies are crushing. As you know, we have been before you many times, earnestly advocating for appropriations and sufficient funds for operations, maintenance, and programming for public parks and recreation at all levels.

We ask you to recognize that some of the agencies and units are so underfunded that they cannot complete their basic mission of providing free, quality recreational experiences to the American public, and, thus, despite the intentions of the act, to the contrary, they begin to see and use fees as a substitute in their budgets for replacing basic and necessary appropriations. We ask you to ensure that this does not become an unintended outcome of the act.

In light of the original purposes of our Federal public lands, as expressed in the Land and Water Conservation Act, that they are intended to ensure and improve the health and vitality of America's public, we, therefore, ask you to question whether some of these policies justifying fee charges and fee increases are inhibiting, or even preventing, some of the very public who are most in need of healthful, outdoor recreation opportunities.

We ask that you give special consideration to urban populations and minority communities, which are often most greatly at risk, and making them accessible and available, and, yes, there are waiver processes, but they are often cumbersome and difficult for people to get around, especially related to urban areas. We can truly make a difference. You can truly make a difference in improving individual and community health, as well as attracting people of color and of limited economic means, who might otherwise never choose to visit our nation's Federal public lands.

I have some other comments that I will submit as further testimony for the record, but we really believe you need to address increasingly the decision that people make not to visit Federal public lands because of the impact and the cost of the fee charges.

I would like to close with a couple of comments about the U.S. Army Corps of Engineers, who are not considered under the provisions of the Federal Lands Recreation and Enhancement Act.

They operate 4,000 recreation areas that generate 370 million public visits per year. I serve on an advisory committee with some other volunteers from national organizations from the Corps, and the Corps does not gain any benefit from recreation fees. They cannot distribute the new annual pass, the senior pass, the disabled access pass, and they should be covered under the Federal Lands Recreation and Enhancement Act.

Because of this exclusion, the Corps cannot even sell a veteran's pass or allow its use by a veteran who presents it at an Army facility recreation area. So it would be a terrible disservice to America's military veterans.

The situation can be averted by inclusion of the Corps under the broader authorizing legislation. The Corps should be added in order to implement the military pass, if that bill is to be enacted.

Thanks for the opportunity to present these comments.

[The prepared statement of Mr. Dolesh follows:]

Statement of Richard J. Dolesh, Senior Director of Public Policy, National Recreation and Park Association

Good morning Mr. Chairman and members of the subcommittees. My name is Richard Dolesh. I am the Senior Director of Public Policy for the National Recreation and Park Association. I thank you for the invitation to present testimony on the Federal Lands Recreation Enhancement Act and issues related to charging of fees for access and use of federal public lands.

By way of background, I have worked for 35 years in parks, recreation, and natural resources management, beginning with the Maryland-National Capital Park and Planning Commission, then with the State of Maryland Department of Natural Resources and most recently with the National Recreation and Park Association where I have been the Director of Public Policy since 2005.

NRPA is a national non-profit 501(c)3 organization dedicated to advancing parks, recreation, and conservation efforts that enhance the quality of life for all people. NPRA's network of more than 21,000 citizen and professional members represents public parks and recreation agencies at all levels of government. Most of NRPA's members come from local, urban, county, regional, and state park systems. NRPA's mission is to encourage the promotion of healthy lifestyles, to seek quality recreation opportunities for all Americans, and to promote the conservation of our nation's natural and cultural resources.

The National Recreation and Park Association has had a long interest in the establishment and collection of fee charges for access to and the use of parks and public lands. NRPA and its predecessor organizations have been in existence for over 100 years, beginning with the establishment of the New England Association of Park Superintendent in 1898. NRPA was preceded by the American Institute of Park Executives established in 1921. In the 1960's, the National Recreation Association joined with the National Conference on State Parks and other organizations to form the modern NRPA.

NRPA has had a long association with the tradition of fee charges for specialized recreational uses within parks and a solid understanding of the purpose and principles guiding fee charges for public use. In fact, many of the guiding principles for fee charges first in the LWCF authorizing legislation and then in Fee Demo and FLREA came from applications in local, urban, county, regional, and state parks.

I would like to make several comments generally about the application of fees for the use and access to public lands, and then a few comments about application under FLREA.

NRPA and its members generally support the concept of fee charges for public land and parks for special uses and specialized users. We believe the public generally supports such fee charges if they are reasonable, understood as providing special access for special users, and that a portion of the fees goes back to the public lands units that generate the fees.

I would like to note that although virtually all the state park systems now charge "entrance fees" there is less general public understanding and acceptance of such "entrance fees." This is a key consideration in the oversight of the Federal Lands Recreation Enhancement Act, namely the public understanding and acceptance of why the fees are being charged, where they are applied, to whom, and what is done with the revenue.

As Fee Demo and now FLREA has shown in many instances, there are major inconsistencies of management of these fee charges and application of how the fees are charged.

Speaking from the point of view of the members of our national organization which broadly represents a cross section of the American public and the entire system of parks and recreation in America, there are a few key points I would like to make about the public's perception and understanding of the fees charged for federal public land.

First, we are constantly reminded that the public generally does not know—or care—which agency owns and manages the land. Often they don't know whether the public lands units are part of the federal government or the state or the local government. They merely want to have quality recreational experiences on our nation's public lands themselves and with their families in the least restrictive and most enjoyable way they can. The implication for FLREA and the application of fees for federal lands is that all federal agency land managers need to give top priority to creating and maintaining a seamless system that does not confuse or alienate the public, and which makes it affordable and even welcoming for the public to enjoy their public lands.

As I said, we believe that most people support the principle of paying a fee charge for specialized facilities within public lands that they are using such as campgrounds, boat ramps and other amenities that truly are extra or special with the understanding that much of their fee charges support the operation and maintenance and upgrading of such facilities.

Many people find it very difficult to understand and support paying for entrance or access to public lands in which they intend no special use. Also, they have a hard time understanding and accepting that they are being charged an extra fee if the site provides a place to sit, a bathroom, or a parking space. It is also difficult for the public to accept the "layering" of additional fees or the multiple charges by different agencies as federal unit land boundaries are crossed. These are issues that we encourage you to look at frankly as you conduct your oversight into the provisions and application of this Act.

We note that the budgetary pressures on the federal land managing agencies are crushing. As you know, we have been before you many times earnestly advocating for adequate appropriations and sufficient funds for operations, maintenance, and programming. We ask you to recognize that some of the agencies and units are so under funded that they cannot complete their basic mission of providing free, quality recreational experiences on our nation's public lands to the American public.

We ask you to also consider the that some of the reasons for justifying fee charges to federal public lands must be balanced with other important national priorities to improve the "health and vitality" of our citizens as called for in the original Land and Water Conservation Fund Act. We ask you to question whether some of the policies justifying fee charges and fee increases are inhibiting or even preventing some of the very public who are in most need of healthful, outdoor recreational opportunities.

We note and ask that you give special consideration to urban populations and minority communities who are often at the greatest risk of chronic disease and obesity. Are federal lands fee policies truly making our public lands more available and accessible to these people most at risk, or are they preventing them from visiting and using our lands? Yes, there are waiver procedures, but we ask you to look fundamentally at the rationale for charging for access and use in urban areas and other lands that could truly make a difference in improving individual and community health and attracting people of color and limited economic means who might otherwise never choose to visit our nation's federal public lands and parks.

We ask that you consider how we can better serve our members of our nation's armed forces, and give special attention to serving the needs of returning service members, especially those that have been wounded or who have become disabled. Your oversight of FLREA should include these important considerations.

In addition, careful thought should be given the examining all the reasons for charging fees in relation to other efforts in marketing and promotion of our national public lands to the public who is increasingly making the decision NOT to visit national parks, wildlife refuges, and other federal public lands. We can tell you from anecdotal and some survey evidence that the public does appear to support reasonable increases in fees if services and quality are also increased, but clearly, high fee charges are a barrier to many people, especially young people and families, when making the choice to visit a national park versus a state, regional, or county park.

Finally, I would like to close with a few comments about the need to include the U.S. Army Corps of Engineers in the provisions of FLREA. I have been serving on a volunteer recreation strategy advisory group to the Corps with a number of representatives from other national organizations looking at what needs to done to assist the Corps in bringing better recreational opportunities to the American public in its 4000 recreation areas that generate 370 million public visits per year.

The Corps is not included in FLREA. The Corps cannot participate in the America the Beautiful Federal Interagency Pass program. Because of this, the Corps cannot sell or distribute the new Annual Pass ($80), Senior Pass ($10), Disabled Access Pass (free) and Volunteer Pass (based on hours volunteered).

The Corps cannot retain recreation fee receipts to pay for operations and maintenance of its parks. The fee receipts go to the Federal Treasury. The Corps collects about $43 million a year in recreation fees. If the Corps was included in FLREA, about 80% of those fees would go back to the parks at which they were collected to help pay for operations and maintenance.

The Corps should be part of the Federal agencies covered under FLREA so it can administer recreation passes and recreation fees consistent with the other land management agencies. Excluding the Corps from FLREA has resulted in public confusion, and angry visitors who cannot obtain the new passes.

Because of this exclusion, the Army Corps of Engineers would not be able to sell or accept a Veterans pass when presented by a veteran at an Army recreation area. This would be a terrible disservice to America's military veterans. This situation can be averted by inclusion of the Corps of Engineers under the broader authorizing legislation—the Federal Lands Recreation Enhancement Act. The Corps should be added to FLREA in order to implement the Military Pass, if the bill was enacted.

Mr. GRIJALVA. Thank you very much, and let me now ask Mr. Bill Wade, Executive Council Chair, Coalition of National Park Service Retirees. Welcome, sir. Thank you.

STATEMENT OF BILL WADE, EXECUTIVE COUNCIL CHAIR, COALITION OF NATIONAL PARKS SERVICE RETIREES

Mr. WADE. Thank you, Mr. Chairman. We appreciate the opportunity to be here. I represent over 650 members now of the Coalition. We have an accumulated 19,500 years of managing National Park Service programs and areas. I retired after 32 years of permanent service, the last nine years of which I was the superintendent of Shenandoah.

My comments are going to be focused almost exclusively on the National Park Service, of course. I think you framed the basic philosophy debate pretty well in your opening statement, but that debate has been going on in the National Park Service since, really, 1908, which is the time, as somebody pointed out, that the first fee was charged in the National Park Service.

The debate has gone on, both internally and externally, as to whether or not people ought to have the opportunity to access or enter the nation's Premiere Heritage Areas without any charge, or whether they should have to pay extra for that price.

Should it come out of their taxes, or should it be paid for separately?

I think it is unfortunate that the agency representatives continue to tout this idea that the public overwhelmingly supports fees. My

question is, what choice do they have? They go into National Parks, they go into forests, and they recognize that if they do not pay those fees, the deterioration of facilities, and so forth, is going to be even worse than it is.

I would venture to say that if the public were polled on whether or not they believe that their basic taxes and that system ought to cover the cost of providing for essential core services on public lands versus whether they should pay fees, I think that the outcome would be significantly different. I think they would be willing even to pay a little bit more tax, in some way, rather than being saddled with these nitpicky fees.

I am reminded about what the airlines are doing right now, and I think sometimes it resembles that.

There is no question about the fact that the reason that we charge fees is because there are not enough appropriations. There is a budget deficit. In the National Park Service, the annual operating deficit is estimated to be over $800 million per year. There is an $8 billion-plus maintenance backlog.

So there is no question about the fact that the fee revenue that comes back to the park is helping offset some of those. The question is, is that the right thing to do?

Superintendents, unfortunately, are put into the position of having to raise money to offset these deficits, and I think that that is an unfortunate situation. It has led to a proliferation of fees and fee increases in National Parks, and some of the specific consequences that I want to point to—I have outlined a number of things in my written testimony, which has been submitted.

Specific to the National Park Service, several of the consequences that I want to point out that I think need to have some resolution are there, in fact, now has been some public reaction to high entrance fees in some National Parks, and that has led to the fact that the Director of the National Park Service has recently frozen increases in entrance fees. People are now seeing that those are causing perhaps unintended consequences.

We are particularly worried about the expansion of fees for interpretation and for permits. If you go to Mesa Verde National Park right now, you have to pay to get into the largest cliff dwelling in the world, largely one of the reasons that people go there, and the reason that they have instituted the interpretative fees is because that is the only way they can afford to hire more staff in order to give the interpretive tours.

It seems to me that that is a public entitlement, a core responsibility, of the National Park Service to provide those kinds of things.

Similarly, if you go to Mammoth Cave National Park, you cannot go in the cave, period, without paying a fee of some sort, ranging from $3 a person on up.

One of the other outcomes of the budget deficit is that now more and more concessionaires are providing interpretive programs in parks, and, of course, they are charging for them. So, again, there is this problem of the fact that interpretation and education, seen by most of us as one of the primary purposes, one of the primary things we ought to be providing the public, is now a fee situation, and I think it is causing some people just simply not to take advantage of those situations.

The idea of discriminating against low-income and perhaps some minority populations has been mentioned.

In addition to that, I think there is a host of confusing and conflicting situations out in many National Parks that have to do with things like parking, transportation systems, backcountry permits, and so forth. When you go into a park, are you going to have to pay for parking or not? It is inconsistently applied across the Service.

As I say, I have submitted some other things in my written testimony, and I would be happy to answer any questions at the end of the panel's presentations.

[The prepared statement of Mr. Wade follows:]

Statement of J. W. "Bill" Wade, Chair, Executive Council, Coalition of National Park Service Retirees

Mr. Chairman and other distinguished Members of the Subcommittee, thank you for holding this hearing and thank you for inviting me to express my views, and the views of our Coalition of National Park Service Retirees on the important topic of fees in the National Park System. I retired eleven years ago from the National Park Service after a 32-year career, including serving the last nine years of that career as the Superintendent of Shenandoah National Park. I am now the Chair of the Executive Council of the Coalition of National Park Service Retirees.

The Coalition now consists of more than 650 individuals, all former employees of the National Park Service, with more joining us almost daily. Together we bring to this hearing over 19,500 years of accumulated experience. Many of us were senior leaders and many received awards for stewardship of our country's natural and cultural resources. As rangers, executives, park managers, biologists, historians, interpreters, planners and specialists in other disciplines, we devoted our professional lives to maintaining and protecting the national parks for the benefit of all Americans—those now living and those yet to be born. In our personal lives we come from a broad spectrum of political affiliations and we count among our members six former Directors or Deputy Directors of the National Park Service, twenty-three former Regional Directors or Deputy Regional Directors, twenty-eight former Associate or Assistant Directors and over one hundred and fifty former Park Superintendents or Assistant Superintendents.

BACKGROUND:

In the last two decades, debate on fees in the National Park System has gradually moved away from whether there should be fees and towards a discussion of what those fees should be. There have been many recurring themes in this debate. Those who speak against fees call them a double tax on the public, with visitors to the parks paying fees on top of the taxes paid by the population at-large. The opposing argument is that park visitors derive an additional benefit from actually going to the park and should therefore pay some portion of the costs.

Fees in national parks have been in existence for a long time—since 1908, in fact (see Timeline in Appendix A). Because of that, it would be easy to continue to "take them for granted" and assume that they should be maintained, or even be expanded.

We don't necessarily believe that to be in the best interests for the American people, nor for the National Park System. In fact, we believe that the current fee system and structure is out of control, complicated and inequitable.

We hope to raise some new thoughts about fees that this Subcommittee and other entities can consider as part of an entire process of preparing our National Park System to be managed in the best possible way as the National Park Service enters its second century eight years from now.

CURRENT CONCERNS ABOUT FEES

The Dilemma of Entrance Fees

Many arguments have been made against charging entrance (access) fees at public lands. One argument is that fees could have implications for public political support for conservation because fees introduce an exclusionary element to park visitation and those who cannot afford to pay could adopt a negative view of public lands. A similar view has also been presented by those who believe that public lands should be treated as pure public goods and therefore should be both non-exclusive and non-rival. They argue that charging fees goes against the very principles on

which public lands were founded. They believe that parks, wildlife refuges, and the other public lands are an amenity that a civilized nation should provide to its citizens freely for all to enjoy.

Some suggest that a visit to a site with a low or no entrance fee might induce great respect. People may assign a significantly high value on the resource or experience if they reason that society has elected to subsidize it entirely because of its importance. Some of our most valued icons: the Liberty Bell and the Lincoln Memorial, for instance, are free to visitors. But providing something for free can open the door to a moral hazard. Some visitors won't have a stake in the well being of the site. And lacking a barrier to participation (e.g. a fee), there is a chance that some visitors' attitudes will lead to negative externalities. Conversely, there is a belief that if a fee is charged, visitors will perceive they have more freedom, ownership, privileges, or rights; leading some to believe they can do whatever they wish at the site, including the abuses such as graffiti, littering, and vandalism. Some believe that these abuses may increasingly occur because visitors aren't paying for their use of a public facility; that is, "deadbeat" visitors will not be filtered out.

What we do know is that entrance fees in many NPS areas have escalated significantly in the past few years, and in a number of areas are now as high as $25 per car, for those who don't posses the interagency annual pass. We also know that there has been recent public opposition to this continuing escalation (e.g., in Yosemite National Park last year) and that earlier this year, the NPS Director issued a memorandum freezing entrance fees at the 2007 levels and not implementing any new entrance or expanded amenity fees in 2008 (with a few exceptions). The public is making its concerns about fees in national parks known.

The issue of whether or not there should be entrance fees to national parks is a philosophical one, but one which deserves public dialogue to resolve as we approach the Centennial of the National Park Service in 2016.

To the extent that entrance fees do exist, they are subject to many other considerations, some of which are expanded on below.

Fees Discriminate

Without a doubt, price discriminates. Offer something at no cost, and participation will rise (generally). Offer something at a high cost, and participation usually declines. So in principle, if you want to encourage participation, offer a low cost—or none at all. While an NPS study in 2001 showed that 80 percent of visitors believe that fees are priced correctly, other research argues that fees can moderate park use, usually in a negative way.

We believe it is possible that the current fee structure accounts, to some extent, for why visitation to national parks has declined slightly over the past decade. More worrisome is the high probability that low income citizens (especially minority populations and young families) are choosing not to visit parks or participate in certain activities (such as fee interpretation) in parks. Often these are the very citizens that would benefit most from increased education about America's heritage areas and the importance of protecting them and using them wisely.

Another example of fee discrimination is permits for "river running" in places like Grand Canyon National Park and Dinosaur National Monument. Permit fees for these places are burgeoning and in some cases are quite complex and complicated. Superintendents have resorted to these fees to "manage the river program" in these parks, in the absence of sufficient appropriations to do that job. There is no question that only the "well-heeled" can afford these experiences.

The Federal Lands Recreation Enhancement Act (FLREA) and the America the Beautiful Pass

FLREA created an interagency national pass called "America the Beautiful—the National Parks and Federal Recreational Lands Pass" (also known as the "America the Beautiful Pass" or simply "ATB") which covers Entrance and Standard Amenity Fees for all Federal recreational lands. Currently, the Annual Pass sells for $80, but variations are available at a discounted rate. The ATB significantly increased the cost of the annual fee to visit national park units, with little or no more revenue coming to the national parks.

FLREA also contributes to recent political efforts to making the National Park Service more "homogeneous" with other federal land management agencies. It not only did away with the National Parks Pass, but it did away with the distinctive "free day" for visiting national parks—traditionally on August 25, the date the NPS was established—in favor of a free day on "public lands day." This has been yet another in the many political efforts evidently aimed at minimizing or diminishing the "specialness" of the National Park Service and System.

Fees Are Being Used More and More to Offset Reduced Appropriations

Despite the fact that there has been strong sentiment in the Congress that fees would augment, rather than replace appropriations, that sentiment has not been realized. Since 2002, the inflation-adjusted appropriations for the NPS have gone down by over 20%.

As public service as a category of civil society has been degraded, diluted, outsourced, and corporatized the National Park Service, starved of public funding, like most agencies and institutions of government these days, must either compromise its service to the public and its management and protection of its national treasures, natural and cultural, or it must offset these deficiencies with other sources of funding.

To try to "make ends meet," Superintendents have little choice but to rely more and more heavily on fees to meet operational obligations in parks.

More and more, Park Superintendents are being put in the uncomfortable and unacceptable position of having to "raise" money, through fees and private donations to keep even minimal park operations funded. The result is a steady (sometimes drastic) increase in fees and an increase in the types of fees collected in parks. As a consequence, fees are proliferating and visitors are being charged for activities, including interpretive programs that are mission-related programs. One of our members describes this problem:

> Straightforward, accurate, and unbiased explanation of a park's resources, especially those constituting its reason for being, is fundamental to the NPS mission and one of the things that sets the NPS apart from other agencies. But why do we do it? It's not for entertainment, although it is no sin to make an interpretive presentation entertaining. We do it I think because we see a payback whereby visitors, once they understand the value and importance of park resources will treat them with greater respect and even pass on the information to friends and family after they've left the park. It is really the public face of resource protection. Placing a fee on such programs creates a disincentive to attend them and thus a hindrance to the National Park Service to carry out its mission while dividing visitors into "haves" and "have-nots," (or "informed" and "not informed "). It would seem similar to sending kids to primary school, then charging them for places to sit in class. Placing fees on programs seems to me also to be a step towards entertainment and away from education. Once we begin charging fees for interpretive activities we have set the table for the private-sector entertainment gang to sit. When that happens, the market mentality can take over with "interpretive" programs that don't fill the seats being moved aside for programs that do and we drift away from talks on the geology of Grand Canyon to who knows? Maybe a musical comedy about Brighty of Bright Angel.

Another member raises a different problem:

> The increasingly elaborate visitor centers and other developments—now almost always being funded at least in part by money from a "private partner"—in the name of interpretation (the latest extravaganza at Gettysburg being one of a string) not only keep the visitor out of the park in favor of NPS-provided entertainment in a building; but chasing every latest display and electronic fad is expensive, and so invites charging a fee.

The National Park Service Guideline (Director's Order #22) on Recreation Fees states (in Section 5.2): "Section 3(g) of PL 91-383 (16 USC 1a-2(g) allows parks to charge fees (known as 1a-2(g) fees) for products and services that are directly related to the park's living exhibits and interpretive demonstrations." [Emphasis added.] Subsection "a" of that Section further states: "The 1a-2(g) authority may not be used to charge fees for core interpretive tours, including cave tours, historic home tours, and other programs that are not related to living history exhibits and interpretive demonstrations."

Yet some parks seem to be in violation of these guidelines. Examples:

- In Mesa Verde National Park (where there is a $10 per car entrance fee), self-guided tours are offered free of charge in two of its cliff dwellings. Yet to tour three others, including the most famous and largest cliff dwelling in the world—Cliff Palace—you must go with a ranger-guided tour and pay $3 per person.
- In Mammoth Cave National Park (where there is no entrance fee), fees ranging from $5 to $48 per person are charged for all cave tours.
- In Apostle Islands National Lakeshore, a minimum fee of $3 to $5 per person is charged for any interpretive program the park offers.

Certainly no one can dispute the fact that the archeological cliff dwellings in Mesa Verde and the cave in Mammoth Cave are the very purposes for which these parks

were established; and therefore are central to the mission of those parks. Why should visitors have to pay fees to experience these core resources?

Aside from the fact that these fees evidently violate the NPS's own guidelines, in the cases of Mesa Verde and Apostle Islands (and others in the System) at least, the fees were initiated for one reason—to generate revenue to supplement the parks' diminishing operational budgets so they could hire additional rangers to protect the parks resources and provide for these tours.

Another concern arises over the fact that in some parks, concessioners are now providing interpretive programs. For example, in Yosemite National Park, a substantial number of the total interpretive programs given each day are those given by the park concessioner. Visitors must pay for these programs. There seems to be a corresponding reduction in the numbers of interpretive programs provided by the NPS in these areas.

Fee Revenue Inequity

Recalling that parks are allowed to keep 80 percent of the revenue they collect from Entrance Fees and Expanded Amenity Fees. The remaining 20 percent is deposited into a "Servicewide Pot." All units of the NPS compete for this "20 percent money." We believe this policy to be unjust to the public and the agency itself.

Equity should be a critical consideration in making fee and pricing decisions. A purely equitable system would empower all parks to establish, operate, and maintain (i.e. supply) public services and facilities at levels that match public consumption (i.e. demand). All else being equal, the opportunity available to Park "A" to meet demand should be equitable to the opportunity available to Park "B" to meet the same demand.

We are not arguing that every park should receive the same amount of money. Nor do we suggest that fee revenues should be prorated and distributed across the System. However, we do argue that an inequity occurs when a park's eligibility to compete for funding is restricted because of reasonably unavoidable physical or political barriers. Examples can help illustrate this concept:

- At Delaware Water Gap National Recreation Area, too many visitor access points make it infeasible to collect entrance fees.
- A deed restriction at Great Smoky Mountains National Park prohibits the collection of an entrance fee. This represents a reasonably unavoidable political barrier.
- The decision to forgo collecting fees at Palo Alto Battlefield National Historic Site has been made by NPS administrators because of managers' perception of limited amenities and desire to induce visitation.

Case-by-case, it is extremely challenging to determine if park managers have reasonable control over physical or political circumstances that would allow/prevent fee collection. Palo Alto provides an example where politics and geography are certainly factors that have contributed to this decision, but only in part. The National Park Service could institute a fee if it wanted to. This, however, is not necessarily true for all non-fee parks. Due to circumstances beyond the control of park management (circumstances which, one might argue, actually contribute to its national significance), such parks are hampered in their ability provide as secure and as robust funding that other fee-collecting parks can provide.

We cannot always judge if the political and physical barriers are reasonably unavoidable or not. We believe it is inequitable to implement a fixed "80/20 rule" based solely on the question of whether a park collects fees or not. Ideally, parks would lose the ability to compete for fee revenue as they increasingly (and voluntarily) opt out of fee collection.

Confusion and Conflicts

Parking fees—If you drive a car to Apostle Islands National Lakeshore, Gateway National Recreation Area, Christiansted National Historic Site, or certain other parks, you will have to be prepared to pay for parking—or will you? Some parks have designated parking fees as a type of entrance fee, meaning that owners of the America the Beautiful Pass (or other entrance pass) do not have to pay anything extra. But, other parks define them as Expanded Amenity Fees, so you would have to pay regardless of having a pass. Moreover, it's up to the park to decide if they will observe the 50 percent discount on Expanded Amenity Fees entitled to holders of the Senior Pass or Access Pass. To further complicate matters, many concession-operated facilities charge for parking. Should concessioners be expected to waive their parking fees for those having annual park entrance passes? Should they be required to offer the 50 percent discount for the Senior Pass or Access Pass? If so, why aren't concessioners required to accept these passes and discounts for their

other services? Then again, is it fair for visitors to experience different parking fee rules at different parks?

> An Example: Mount Rushmore National Memorial is prohibited by legislation from charging an entrance fee. But it's almost impossible to visit there without paying the $10 "special use" parking fee. Because it is not an entrance fee, the America the Beautiful Pass, National Park Passes, Golden Eagle and Golden Age Passports are not accepted.

Transportation fees—currently there are ten parks charging transportation fees. These fees are customarily included in entrance fee prices. This approach of conjoining entrance and transportation fees has caused some conflict among decision-makers in the National Park Service. Technically, holders of the America the Beautiful or other annual passes are only exempt from paying entrance fees, not other fees. Should they pay the difference to cover the Transportation Fee amount? But if such passes are honored for both fees (as current NPS policy states), doesn't this provide a disincentive for parks to sell annual passes?

> An example: visitors to Zion National Park purchasing a $25 seven-day entrance pass are actually paying two fees: a Recreation Fee (park keeps 80 percent) and a Transportation Fee (park keeps 100 percent). Park managers decide year-by-year what percentage of the $25 will be considered a Transportation Fee, earmarked exclusively to offset visitor transportation costs.

When Should the NPS Charge Fees?

We believe that, protecting and providing for public enjoyment national parklands—at the basic level—is a public service in its purest form. To that end, it is neither fair nor desirable to charge a user fee to any individual or group for that basic service. Just as Americans deserve security of the homeland, citizens have a right to the preservation of their cultural and natural heritage. Likewise, to offer opportunities for resource protection and visitor enjoyment at minimally reasonable levels, it is necessary to provide basic infrastructures at no cost that support critical activity such as:

- essential access (e.g. roads, trails),
- essential human comfort (e.g. restrooms, shelter, water),
- essential visitor information and education (e.g. basic orientation, interpretive programs), and
- essential public safety services (e.g. safety education, law enforcement, emergency response).

Another absolute exists, as well. When visitors have weddings, parties, and other appropriate private events in parks; or provide authorized public services for profit, the participants receive exclusive benefit—a reflection of the classic definition of a private service. Therefore, we see the need for private beneficiaries to pay for the provision of such services in full.

Of course, the NPS often provides a variety of merit services that benefit both private individuals and society at the same time (and reasonably so). Therefore, park amenities not essential to basic resource protection and basic visitor enjoyment may warrant subsidy from individual users and the community alike. For example, non-essential amenities such as campgrounds, launch ramps and public showers are not critical to park management in absolute terms. Any unit of the National Park System lacking one or all of these features would, in fact, still be found to be in compliance with the Organic Act. It is logical to expect the National Park Service to provide these services and facilities in some parks; but logic also suggests that the burden of providing them should be shared between society and individual users.

SUMMARY

The issue of entrance (access) fees to units of the National Park System should receive national dialogue between now and the National Park Service Centennial in 2016.

Provisions of the Federal Lands Recreation Enhancement Act that lump the National Park System in with other "public land management agencies" should be rescinded.

Fees should never be allowed to discriminate against the involvement of low-income visitors to national parks.

Fees should not be charged for core mission-based interpretive programs in national parks.

Confusion and inconsistencies in the NPS fee program should be eliminated.

Above all else:

> The Organic Act established a binding legal framework that mandates fundamental standards for the protection of the National Park System. There-

fore, the use of base appropriations—as opposed to visitor-dependent revenue—should be the primary means of maintaining these units. Fees collected should not have to be collected to offset or reduce funding for national parks that should be made available through appropriation.

The chronic under-funding of the National Park Service is not now and has not been for past 50 years a matter of money—it is a matter of priorities! Let's put the $2.4 billion current budget into perspective. It amounts to less than 0.002% of the president's 2009 proposed budget.

Let's compare it to Department of Defense budget of $550 billion.

- One B-2 bomber costs $2 billion. Do you really think the American people would notice if this country's military industrial complex held one less bomber than it does today and that those funds were transferred to the National Park Service?
- The President and Congress took less than ten minutes to determine that the economy needed an economic stimulus package totaling $150 billion. Do you think many would have complained if it had been $148 billion? And the resulting $2 billion saving had been given to the National Park Service?
- The NPS relies on the fee program—a program that generates $150 million annually—as though it were a lifeline. No small figure, we grant you, but a figure that should be simply added annually by Congress to the Service's operating budget. Perspective: The Osprey aircraft developed by the United States Marine Corps cost $110 million each! They are current being sent to Iraq even though military analysts believe they don't work as designed. Here's the punch line: several branches of the military are planning to purchase 400 of these flawed aircraft—at a total cost of $44 billion!

It's not a matter of money; it's a matter of priorities.

Appendix A

History of Fees in the National Park System

- 1908 Mount Rainier begins issuing auto permits. Other sites, including Yellowstone and Yosemite, soon follow.
- 1917 Most fees for auto permits are abolished or greatly reduced.
- 1918 Congress mandates that all fee revenues will be deposited into the Treasury account.
- 1927 An amendment added to the 1928 Interior Appropriations bill would require the NPS to use a yearlong, all park auto permit costing two dollars. The amendment was ultimately removed.
- 1938 A fee prohibition is enacted at Mount Rushmore.
- 1939 Fee structures expand to include not only additional auto permit fees but some motorcycle permit fees, parking fees, and guide service fees.
- 1953 Pressure for parks to raise more revenue leads to higher fees and the sale of 15-day and annual passes to individual parks.
- 1965 Land and Water Conservation Act is enacted. The Golden Eagle pass is established.
- Prohibition on campground fees is abolished.
- 1968 Legislation is enacted to repeal uniform fee structure. This eliminates the Golden Eagle pass and allows each agency to establish individual fee structures. Repeal is extended to 1971.
- 1972 New congressionally mandated fee structure established. Entrance fees are allowed only at those NPS sites designated by DOI and at National Recreation Areas administered by USDA. The Golden Eagle pass is reinstated. The Golden Age Pass is established.
- 1974 The Forest Service stops charging entrance fees, leaving the National Park Service as the only agency charging them.
- 1977 NPS Director Whalen proposes changes in the system's fee structure for FY 1980 with the goal of establishing a more uniform fees.
- 1978 NPS begins charging fees on some visitor transportation systems.
- 1979 A freeze on all NPS entrance fees is enacted.
- 1981 Golden Access Pass is established. Fee revenues are deposited into the Land and Water Conservation Fund instead of the Treasury. Funds can only be expended for land acquisition and state planning and development grants.
- 1986 Higher entrance fees are enacted.
- 1996 Fee Demonstration Program begins.
- 2004 Federal Lands Recreation Enhancement Act is passed.

APPENDIX B

Fees in the National Park System

Generally, fees charged in units of the National Park System can be organized into four types:

Recreation Fees

The most common type of fees that visitors experience are Recreation Fees—those that are collected for things like entering a national park or going on a guided tour. The vast majority of Recreation Fees fall under the Federal Lands Recreation Enhancement Act (FLREA), which authorizes four kinds (only three applicable to the NPS):

- Entrance Fees
- Expanded Amenity Recreation Fees—for the NPS, charged in addition to an Entrance Fee or by itself for specific or specialized visitor facilities, equipment, or services.
- Special Recreation Permit Fees—charged in connection with the issuance of permits for certain specialized recreation activities and events (not currently used by NPS).

Recreation Fees also include special Interpretive Fees, which are charged for services and products related to interpretive demonstrations and living history programs. Because the authority is found in 16 USC 1a-2(g), they are nicknamed "1a-2(g) Fees." Canoe trips, night hikes, and cave tours sometimes constitute a 1a-2(g) fee.

Transportation Fees

Special Use Fees

Commercial FeesA

PPENDIX C

Where Does the Fee Money Go?

The reason for—or perhaps the result of—having so many fee types allows revenues to be used in various ways, under various rules. Proceeds can remain in the park where they were collected, be deposited into a "Servicewide Pot" which any NPS unit can apply to use, or be allocated to the management and administration of NPS Fee Program Offices.

- Entrance and Expanded Amenity Fee Revenue—Park receives 80 percent; Servicewide Pot receives 20 percent (Unless the park collects less that $500,000 in gross revenue, in which case the park keeps 100 percent).
- America the Beautiful Pass Revenue—Fee Program administration receives 10 percent; remaining balance shared between park (70 percent) and Servicewide Pot (30 percent).
- Interpretive Fee Revenue—Park receives 100 percent.
- Transportation Fee Revenue—Park receives 100 percent, but can only be used to recover the price of providing a transportation system.
- Special Use Fee Revenue—Park receives 100 percent, but can only be used to recover the cost of overseeing the special use.
- Commercial Fee Revenue—Park receives 100 percent, but can only be used to recover the cost of overseeing the commercial use.

Mr. GRIJALVA. Thank you, sir.

Let me now invite Mr. Peter Wiechers for your comments and your testimony, sir. Welcome.

STATEMENT OF PETER WIECHERS, KERNVILLE, CALIFORNIA

Mr. WIECHERS. Thank you. Mr. Chairman and distinguished Members of the Subcommittee, good morning. My name is Peter Wiechers. I have been kayaking the Kern River since the time I was a younger man, more than 27 years ago.

In the 1980s, I managed one of the local rafting companies, Kern River Tours.

For the past 13 years, I have been employed as a history and science teacher at Camp Erwin Owen, a residential boys' juvenile probation camp, located across the river from where I live in Kernville, California.

The accompanying written testimony is a chronology of my attempts, over the last 10 months, to participate, as a kayaker, in the program previously known as "Kern River Rec. Fee Demo." Disappointingly, my efforts have been thwarted by officials of the Sequoia National Forest at every turn. I have been stonewalled, ignored, misled, vilified, and lied to on the following four accounts.

Number One: For a period extending back many years beyond the past 10 months, Sequoia National Forest officials have carried out planned, coordinated actions to deny public participation and oversight in their Kern River Recreation Fee program.

Number Two: Financial accounting and reporting done by Sequoia National Forest officials, with regard to their Kern River Recreation Fee program, can best be described as fragmented and confused. In the words of Ms. Mary Cole, Sequoia National Forest landscape architect, "Our financial accounting system is a nightmare."

Number Three: The Sequoia National Forest, in collusion with the California RRAC, a Federal agency set up by the United States Forest Service, not a state agency, has denied meaningful possibilities for public participation in the California RRAC program. This includes incorrect and confusion public notification, the withholding of information, including important evidentiary information, and the withholding of meeting minutes.

Number Four: The planned and coordinated attempts by officials of the Sequoia National Forest to mislead the residents of the Kern River Valley in an effort to impose massive public lands access fees in the form of something that they call a "HIRA," the linchpin of this scheme being the withholding, as long as possible, by Sequoia National Forest officials of the proposed fee area maps.

Well over 100 Kern Valley residents arrived at the HIRA meeting in Kernville on June 5, 2008. Sequoia Forest officials were visibly surprised. They had planned for a much, much smaller gathering. The room had been prepared with a total of two chairs, just two chairs.

At first, Sequoia officials tried to run the meeting like a high school science fair or a shopping excursion to Ikea. The annoyed residents were supposed to file through, a few at a time, in small groups, then quickly file out. It did not work this way.

The crowd demanded a meeting. The district ranger took the initiative, stood on one of the two chairs, and began to speak. The questions came out in rapid fire.

What have you done with the campground fees you have been collecting at the lake for the last three years?

Why are the campgrounds just as filthy today as they were when you started collecting fees three years ago?

What have you done with the money?

Where are your business plans?

Why are you doing this?

The answer to all of these questions, and many more, was, they did not have an answer.

Leaders of the local chambers of commerce denounced the huge HIRA map that was prominently displayed. "That was never shown to any of us," one of them told the crowd.

This continued unabated for more than one hour. Near the meeting's end, I stated aloud, "I have been attending these meetings since August of last year, and never was there any indication at any of them that there would be these HIRAs, these fee areas, of such magnitude."

I then posed a question to Sequoia officials: "How did you come up with this?"

The district ranger, Mr. Rick Larsen, pointed an accusing finger and proclaimed, it was because of you, Peter. You did it.

At Erwin Owen Boys Camp, where I teach history and science, a boy who fails his program is returned to Kern County Juvenile Court for another appearance before the judge. Usually, this results in additional time served at a more restrictive detention facility. The expression the boys had given to this process is "going down backwards."

Mr. Chairman and distinguished Members of the Subcommittee, officials of the Sequoia National Forest have now failed their program. Thank you.

[The prepared statement of Mr. Wiechers follows:]

Statement of Peter Wiechers, P.O. Box 131, Kernville, California

Dear Mr. Chairman and Distinguished Members of the Subcommittee:

My name is Peter Wiechers. I've been kayaking and rafting on the Kern River for more than 27 seasons. In the late 1980s into the early 1990s I managed one of the local rafting companies, Kern River Tours. In 1990, I completed my Master's thesis—an economic study of the commercial rafting business on the Kern River—at California Polytechnic State University, San Luis Obispo. For the past thirteen years I have been employed as a History and Science teacher at Camp Erwin Owen, a residential boys' juvenile probation camp near Kernville, California.

The following testimony is basically a chronology of my attempts over the last ten months to participate, as an interested member of the general public, in the program previously known as Kern River Rec Fee Demo. Prior to this—since about the year 2001, and to no avail—I did make periodic (yearly or twice yearly) requests of the Sequoia National Forest for public participation in this program.

My efforts to be informed about, and provide input into, Forest Service decisions that directly affect my recreational use of the Sequoia National Forest have been thwarted at every turn. I have been lied to, misled, vilified in public, marginalized, and ignored.

In communication with users of other National Forests, I have learned that my experience, far from being unique, is actually typical. Since the Forest Service was given the authority to charge and retain recreation fees, their attitude toward the public has changed profoundly. I first experienced this, under Rec Fee Demo more than ten years ago. Instead of being stewards of our public lands, they now act as if they are the owners. The public is treated as mere paying customers, instead of the owners that they are.

My testimony will demonstrate the following:

1. The ongoing, coordinated and planned actions by officials of the Sequoia National Forest to deny public participation/oversight in their recreation fee program.
2. Fragmented, incomplete, and confused financial accounting/reporting of the Sequoia National Forest with regard to their recreation fee program.
3. Denial of meaningful possibilities for public participation in the California Recreational Resources Advisory Committee program: inadequate public notification by the Regional R-RAC office, incorrect public notification by the Sequoia National Forest as well as the withholding of information and withholding of meeting minutes.
4. Attempts by Sequoia National Forest officials to mislead the residents of the Kern River Valley, California about intended management changes.

Public Participation/Oversight Denied

For about ten years the Sequoia National Forest has been collecting a 3% tax on the Kern River commercial outfitters (Rec Fee Demo program at its inception, FLREA since 2005.) During the late 1990s, the Sequoia held periodic public meetings addressing the use of these funds. Sometime during or just after the year 2000 the Sequoia National Forest ceased soliciting public involvement in this program. From the years 2001 through 2006 I made periodic general requests about usage of this money. These requests included letters to Ms. Cheryl Bauer of the Sequoia's Kernville office, requests to Forest Service employees in the Kernville office, and requests of the Kern River Rangers who were being paid via this program. The only help I ever received was from the River Rangers who would tell me things like "Some of this money is being used to pay our salaries," and "We've told Cheryl that people are asking about this." In August of 2006 I sent a certified letter to Ms. Bauer, again requesting public participation in this program. This request remained unanswered.

Eleven months later in July of 2007 I witnessed an encounter along side the lower river at Democrat Beach between one of the Kern River Rangers and a friend of mine. Samantha was being chastised—not for the fact that her paperwork for being on the river was out of order, but—for the fact that she had not secured the proper paperwork for her friends whom she was guiding down the river. The ensuing argument involved the merits of bureaucracy and paperwork and the specific public annoyance with the Sequoia National Forest—under threat of penalty—requiring everybody to submit a filled out piece of paper every time they paddle the Kern River. At one point the discussion became a bit heated and the Ranger told me "soon you are going to be paying a fee for kayaking this river, there's a new law that was just passed by Congress and you are going to have to start paying for your permit." It was on this day that I first learned of the existence of "The Federal Lands Recreation Enhancement Act" or FLREA. It was also brought to my attention at that time that the Forest Service was going to raise the Forks of the Kern reservation fee from $2 to $10.

A few days later, I once again sent another request "via certified mail—to Ms. Bauer's office requesting information regarding the Rec Fee Demo program. Also at this time I began to inquire more strongly about the usage of Rec Fee Demo funds over the prior six years and I began asking Sequoia officials questions about Kern River access projects that seemed a bit askew, such as the Granite Put-In on the Lower Kern, completed in early 2006, but so poorly designed that CalTrans refused to allow it to open. The parking lot there is posted with "No Parking" signs installed at the time of its completion and access is restricted. I also began making inquiries into other recent projects with outward irregularities: the Royal Flush Portage, and the Johnsondale Bridge River Access.

As of today the Sequoia National Forest continues to deny all public participation/oversight in the fee program that collects a 3% fee from all Kern River outfitters. This is a continuing and reoccurring theme in the next three sections.

Questionable Financial Accounting/Reporting

"Our financial accounting system is a nightmare."—Ms. Mary Cole, Sequoia National Forest Landscape Architect, Lake Isabella Senior Center, March 21st, 2008.

In September of 2007 I received a packet of information in the mail from Sequoia Forest Supervisor Ms. Tina Terrell (signed for her by Ms. Nancy Ruthenbeck.) In this letter it was stated "The information requested (yearly accounting of from 2001 to the present Kern River Rec Fee Demo expenditures/revenues) is enclosed and addresses all of your concerns in all three of your letters regarding the 3% Kern River Rec Fee Demo expenditures/revenue." The information provided fell far short of addressing all of my concerns. Rather, it heightened my existing concerns and raised new ones.

I will concentrate here on Fiscal Years 2004, 2005, and 2006 (Sequoia officials have told me that under FLREA reports for 2007, 2008 and 2009 are not required to be disclosed until sometime in 2010.)

Fiscal Year 2004

Within the packet of information provided to me by the Forest Supervisor are two pages of computer printouts (Attachments, pages 1-2) which include: whiteout, cross-outs, and hand written entries. This seems to have been done for the purpose of matching the dollar amounts (receipts and expenses) of the Kern River Rec Fee Demo 2004 report to Congress (Attachments, page 3). The altered computer screen printouts were not the only strange things that arrived in this packet: it also included a hand written list with entries such as "Batteries $9.42, Contact Cement $1.89."

On the 2004 report to Congress stated expenditures are $29,814. This amount is listed as having accomplished the following: completed 90% of the Johnsondale Bridge Access Improvement Project (excavation of a hillside, installation of two permanent pit toilets, bus and trailer roadway, parking including handicapped parking, and a 150 yard walkway down to the river). Also stated is that this same $29,814 paid for two seasonal river rangers, paid for signage, purchased supplies and continued to care and police BLM restrooms for river access sites and maintained (a little used and now defunct) Forest Service Kern River Website. It is clearly impossible for all of these things to have been accomplished for only $29,814.

Overall, during Fiscal Year 2004, the Sequoia National Forest reported receiving $73,204.48 from the Kern River outfitters and $46.00 from the Forks of the Kern Reservation fee. This combined with $108,388.00 carry over from 2003 (Forest Service Kern River Rec Fee Demo reported receipts minus expenses for 2003) yields a total of $181,638.48. However, in the Sequoia Forest's report to Congress total receipts are listed as only $133,143.00. This leaves unaccounted receipts of almost $50,000.

The Johnsondale Bridge River Access was actually paid for by the California Department of Boating and Waterways. This is not mentioned in any of these reports to Congress. As a side note, in the Sequoia's March 2008 Recreational Facility Analysis this river access point (and the Delonegha river access on the Lower Kern) were both proposed to become "High Impact Recreation Areas." With one of the main criteria qualifying these as fee areas is that they "are areas of substantial federal investment." However, they were built with state, not federal funds.

Fiscal Year 2005

In this year, the Sequoia's financial accounting leaves the realm of questionable and enters the realm of fanciful. According to the Sequoia's record of outfitter collections, outfitter receipts totaled $114,916.39. However, the total amount deposited into Recreational Special Uses (of which the outfitters fee is far and away the major component) was only $73,430.10. (Attachments, page 4) Under this accounting, $40,000 of the outfitters fees never made it to the Recreation Special Uses Account. Equally unexplainable is the fact that total expenses listed under Recreation Special Uses is only $1,241.59. (Attachments, page 5) According to this report, among other things, two full time seasonal River Rangers were salaried out of this $1,242.59, which is clearly not possible.

Fiscal Year 2006

According to this year's program summary (Attachments, page 5) Special Use Revenues (mainly outfitter's fees) were $148,244, with expenses being listed as only $14, 278. This again is highly questionable (accomplishments, under Special Uses includes the hiring of two River Rangers.) Moreover, under the category of Rec Fees (mainly campgrounds) there is a deficit of more than $50,000. According to these figures almost the entirety of the campground deficit must have been taken from the outfitter's fees. That's more than one-third of the account, and a clear case of fees from one user group being used to benefit another. According to FLREA, up to 40% of collected funds from an area can be transferred to another area if the Secretary of Agriculture deems this amount to be a surplus. Apparently, this also can be done without public disclosure. I have not once heard Sequoia officials volunteer this information. Instead, it's usually stated something more like this, "FLREA allows us to keep 95% of the funds here in the local area for local projects."

The California Recreation Resource Advisory Program—Participation Denied

In July of 2007 I first learned of the proposal to increase the Forks of the Kern reservation fee (Recreation Special Use). Because of my concerns about the complete lack of accountability on the part of the Sequoia National Forest regarding their fee program, I attended two public meetings regarding this: one in Lake Isabella, California, the other in Ridgecrest, California. I voiced these objections in person and sent a letter on August 31st to the Sequoia National Forest requesting that no fees related to the Kern River program be increased or initiated until the existing fee money had been accounted for. Nonetheless, the Sequoia Forest went ahead with this fee increase proposal and sent it along to the California R-RAC.

Around Christmastime, I still had not heard from the Sequoia Forest regarding the R-RAC meeting. I sent a letter to Ms. Mary Cole requesting the time, date and location of the meeting. On Friday, January 4th, 2008 I received a response from Forest Supervisor Ms. Tina Terrell. In this letter, Ms. Terrell stated:

- a tentative meeting date in less than two weeks
- the tentative location of the meeting to be in Arcadia, California

- uncertainty whether or not the Forks of the Kern fee increase would even make it to the agenda "...the RRAC will have the final decision on what proposals they will review."

I then went to the Federal Register and discovered that the R-RAC would indeed be meeting on January 14, and 15 but in Monrovia, California, not Arcadia. I also found contact information there for Ms. Marlene Finley, Designated Federal Official. Included were Ms. Finley's address, phone number, and email contact. I tried to send my concerns about the Rec Fee Demo/Forks of the Kern reservation fee increase to Ms. Finley via the email address given in the Federal Register. This address, mfinley@fs.fed.us was continually returned to me with the message "No such user Action: failed." I then called the phone number in the federal register leaving a message with Ms. Finley requesting whether or not the Forks of the Kern fee increase would be on the agenda.

On the following Monday, January 7th, 2008 I sent a letter to Ms. Finley notifying her of the nonfunctioning email address. Also within this letter I sent a packet of information and a letter requesting that the R-RAC reject this fee increase. This packet included a copy of my previously mentioned August 31, 2007 fee-objection letter and a copy of a letter sent to Ms. Cheryl Bauer of the Sequoia Forest on August 12, 2007 requesting among other things accountability of the Rec Fee Demo money. On this same Monday, I also once again called Ms. Finley. Being sent to voice mail, I again requested to know if the Forks of the Kern Fee increase was going to be on the meeting's agenda.

On the next day—still not having heard from Ms. Finley—Tuesday, January 8th I mailed a duplicate packet of the previous day's mailing to Ms. Finley. Being that the meeting date was now less than one week away, I sent this second packet via certified mail. That afternoon I did receive a voice mail message from Ms. Finley: "What will be covered at next week's meeting will be posted on our website shortly"I will be looking for your comments in the mail." I then began checking the R-RAC website for the meeting's agenda. This agenda appeared on Wednesday January 9, 2008. This agenda listed nothing at all about the Forks of the Kern reservation fee increase. The only thing mentioned at all about the Sequoia Forest was under Monday January 14, 2008, 9:00am, Introductions, Overview of S. California and Sequoia NF Standard Amenity Area Fees (High Impact Recreation Areas).

The next day, Thursday January 10, 2008, I received a call at work from Ms. Mary Cole of the Sequoia Forest confirming that the R-RAC meeting would be held the following Monday and Tuesday in Monrovia. I asked her if the Forks of the Kern issue would be discussed. She replied that she did not know, that the committee would be making that decision and went on to state, "It's out of our hands."

On Friday January 11th I again checked the Federal Register and the California R-RAC site. Neither had any mention of the Forks of the Kern Fee increase proposal. At 12:30pm I left a voice mail message with Ms. Finley again asking if the Forks of the Kern issue would be on the meeting's agenda. At 1:42pm I received a voice mail message from Ms. Finley confirming that in fact the Forks of the Kern fee increase would be on the agenda, that it would be discussed at 10am on Tuesday January 15th. This amounted to not quite three business days notice of the agenda item. This was not sufficient time for me to find a substitute teacher for my classes, so I was unable to attend.

After a bit more than three weeks passing I checked the R-RAC website to find out what had happened at the January meeting. Being that there was nothing noted about it, I sent another letter to Ms. Finley (February 8, 2008) requesting:

- how each R-RAC member voted on the proposed fee increase
- how my concerns had been addressed by the Committee

About one month later, March 3, 2008 having still not received a response, I sent a duplicate letter to Ms. Finley via certified mail. Two days after my duplicate letter had been signed for by Ms. Finley's office, a response from Ms. Finley was mailed to me that indicated the following:

1. The R-RAC requested Ms. Terrell to address the concerns raised in my letter (the first of which was Kern River Fee accountability)
2. The R-RAC asked Ms. Terrell why a permit drawing was needed when the quota on the Forks of the Kern had never been filled.
3. Ms. Terrell told them that the permit system was needed to protect the environment, and to ensure that those people traveling from across the country would have a permit when they arrived to do their private rafting trip.
4. All R-RAC meeting minutes would be posted on the R-RAC website.
5. The R-RAC had voted 9-1 for the fee increase that I had opposed.

Being experienced with the Forks of the Kern run, and having never met any rafters who had traveled across the United States to conduct a private trip there. I went to the Kernville Ranger station to see if I could find out how many people

were in fact using this reservation system and their state of origin (and whether they were rafting or kayaking, doing day trips or overnight trips.) A helpful person working in the office told me that they did not have that data in Kernville, to get that type of information I would need to contact the Porterville office. However, she said that she was fairly certain that less than ten—possibly some number quite a bit less than ten—total permits were issued for the Forks of the Kern for the previous year.

I then wrote a letter on March 14, 2008 to Ms. Terrell in the Sequoia's Porterville office requesting river usage data, such as exactly how many users of the Forks of the Kern reservation system traveled across country and conducted a private rafting trip on the Forks of the Kern. I did not receive a response, so the following week, March 21st, I attended a Sequoia Forest workshop (dealing with the raising of campground fees) at the Senior Center in Lake Isabella. At this workshop I again asked Ms. Terrell for the city and state of origin data of those people having used the Forks of the Kern reservation system during the previous year. Ms. Terrell responded by informing me that there were privacy laws in existence and that she was not at liberty to give out personal information about people traveling from within California or from other states to the Kern River. I then restated that I only wanted the city and state of origin of these reservation permit holders, no personal information. She told me that she would not give the information to me. I then asked only for the state of origin. She responded by telling me something about how I always dominate her time at these workshops and she could not give me all of the time and attention that I demand then turned and walked away.

Ten days later on March 24, I read an article in the Sacramento Bee about the California R-RAC. The article identified Nate Rangel as a member of the R-RAC. I recognized Nate's name from about fifteen years ago when I was managing Kern River Tours. Nate was the head of the California division of America Outdoors, an outfitters trade group. I then tracked down Nate, spoke to him on the phone and told him that I was trying to get information about the origins of the holders of the Forks of the Kern reservation permits (as he had been told by Ms. Terrell at the R-RAC meeting that many of them come from across the country.) Nate assured me that this information would be sent to me.

On April 4, I received a letter from the Forest Supervisor, Ms. Terrell stating the following: "Persons that use this system [Forks of the Kern Reservation] come from a considerable travel distance. In the last two years they have come from the Southern California area, with at least two hours traveling time..." and "The permits from previous years have been placed in storage and it will take more time to locate them and retrieve the information you have requested." She went on to state "Enclosed are the documents that were given to the California Recreation Resource Advisory Committee in January for their meeting. They were used to reach their decision to support the increase in the fee for private boaters participating in the drawing."

The main document was a seven page Business Plan that I had never seen before:

Business Plan for Forks of the Kern River Private Boater Permit Drawing Kern River/Tule River Ranger Districts Sequoia National Forest, December 20, 2007

During the end of December and the first two weeks of January while I was sending emails, certified letters, checking websites, and making phone calls trying to determine the location of the R-RAC meeting and if in fact the Forks of the Kern reservation fee increase was going to be on the R-RAC's agenda, this Business Plan had long since been completed and was waiting for presentation.

On page five of the December, 2007 Forks of the Kern Business Plan is the incorrect statement (Attachments, page 6):

"Collections fluctuate each year depending on the length of the whitewater season which is determined by the amount of snow pack. For example, in 2007 the snow pack was 5% of normal and the season was very short."

Above this statement in the middle of the page is a chart showing the amount of money that was paid by users of this system from 1998 through 2007. (On this chart, I have written in the yearly snow pack data as reported by the California Department of Water Resources.) Whoever compiled this chart and stated a correlation between reservation fee money collected and length of season got it very wrong. For example, the three heaviest years of snow pack for this decade were 1998, 2005, and 2006. These were by far and away also the three longest paddling seasons of the decade. However, the average amount of reservation fees collected for these three years was just a bit over $57. This approximates to less than an average of 29 persons using the reservation system during these three long seasons. On the other hand, the three lightest years of snow pack (among the shortest seasons of the decade), 1999, 2004, and 2007 had an average collection amount of about $51.

This approximates to an average of just over 25 persons using this reservation system during these three very short paddling seasons. Contrary to the statement given in the Business Plan, on the Forks of the Kern, there is no correlation between snow pack (length of season) and usage of the reservation system. One trend that can be noted is that the use of the reservation system peaked in 2001 with 67 users, then showed a general decline thereafter. It is interesting to note, that during this peak season, the snow pack was only 66% of normal. Of further note, the more accurate figure in ascertaining a season's length is "unimpaired runoff" not snow pack. This is the actual amount of water that makes it to the river from the snow pack. A wet year following a dry year will have a lesser amount of runoff than a wet year following a wet year.

For the record the Sequoia's Business Plan statement that the snow pack percentage for the Kern River basin was 5% of normal in 2007 is a false statement. The correct figure is 19% of normal. Furthermore, the 2007 unimpaired runoff for the Kern River drainage was 33% of normal. Even though 2007 was a very dry year, runoff was much more than might have been expected because 2006 had been a very wet year. All of these figures came from the California Department of Water Resources (DWR.)

As of this writing, in spite of several requests, the California Recreation Resource Advisory Committee has neither sent to me, nor posted on their website the minutes from their January 2008 meeting. What transpired at that meeting—how the Sequoia Forest Supervisor addressed my concerns regarding the continual denial of all public participation/oversight in the program that collects a 3% fee from all Kern River outfitters—remains as much of a secret as the fee program itself.

Attempts by Sequoia National Forest Officials to Mislead the Residents of the Kern River Valley, California

All references to the email conversation in this section can be found on pages 7-8 in the attachments.

On Sunday May 18th, 2008 I received notice from a Kern Valley economic development group that the Sequoia National Forest was proposing fees for access to the Forks of the Kern. I went to the Sequoia's website but could not find this announcement. I then sent an email to Ms. Mary Cole asking for information about the proposed fee area (5/18/08, 3:46pm).

The following morning, Monday May 19, I attended a previously scheduled appointment with Mr. Amean Khan, assistant to Senator Barbra Boxer in the Senator's Fresno field office. I presented to Mr. Khan a chronology—a binder of letters and responses—of my last ten months of being stonewalled, misled, and lied to by Sequoia National Forest officials. I left the binder with Mr. Khan for Senator Boxer's review. Mr. Khan assured me that he would be contacting Sequoia officials.

That afternoon I received a response from Ms. Cole regarding my difficulties in locating the Sequoia's announcement of their new fee areas. She directed me to the link on the Sequoia's website that would provide me with this information. On the Sequoia's website, I was able to locate the official announcement which was dated May 9th, 2008. This announcement confirmed that in fact one new fee area was being proposed somewhere along the Lloyd Meadow Road and another was being proposed somewhere along the road that parallels the Upper Kern River. The announcement included "To view the maps of the proposed HIRAs please visit our website at www.fs.fed.us/r5/sequoia/maps. This link led to a page of map links; ten in all. None of these links had anything to do with any proposed HIRAs.

Wanting to find out if the Forks of the Kern River access road and parking lot was in going to be the proposed Lloyd Meadow Road HIRA and wanting to find out where along the Upper Kern River the other HIRA was to be, I again contacted Ms. Cole (5/19/08, 4:55pm.) In this email, I stated to her that there was no map of these proposed HIRAs on the Sequoia's website. I additionally stated that the Lloyd Meadow Road and the road along the Upper Kern River each were at least 15 miles long, and I again requested the locations of these proposed new HIRAs. Ms. Cole denied my request by referencing a website technical problem: "I will forward this to the webmaster. Thanks. (5/20/08, 7:16am.)

Three days later—I assume after having been contacted by Senator Boxer's assistant, Mr. Amean Khan—on Friday May 23, 2008, I received a message from Ms. Cole stating that my name had been put on the RFA and Rec Fee mailing lists. Ms. Cole also asked if I had been able to find the information I was seeking (the maps of the proposed HIRAs.) I wrote back to her (5/23/08, 11:41am) stating that I had not been able to locate the maps and again asked if the fee was in fact going to be a Forks of the Kern Special Recreation Fee. She responded stating that it would not be a Special Recreation Fee, that there would be a fee for the Lloyd Meadow and Upper Kern areas. I then again asked her (5/23/08, 3:17pm) where along these two

roads were the two proposed fee areas. I firmly stated to her that the press release regarding the establishment of these proposed fee areas had been issued more than two weeks earlier that the meetings were now scheduled to begin in less than two weeks, and the exact locations of these fee areas remained a mystery.

Eight minutes later I received from Ms. Cole the link to the map showing that the Upper Kern HIRA encompassed the entire length of the Upper Kern Road, the Lloyd Meadow HIRA encompassed the entire length of the Lloyd Meadow Road (including the adjacent two mile dirt road and dirt parking lot that provides access to the Forks of the Kern), and that the Lake Isabella HIRA encompassed the entire shoreline of Lake Isabella.

Over the Memorial Day weekend, the HIRA map quickly began to circulate around the Kern River Valley.

One week later, I received a letter from Sequoia Forest Supervisor Ms. Tina Terrell, dated May 28, 2008 (Attachments, pages 9-10.) Found within the last paragraph of the letter's first page is Ms. Terrell's statement: "There are no new fee proposals for the Forks of the Kern." This is parenthetically followed by "Special Recreation Permit." If the District Ranger felt more of an affinity for the truth, the statement would read: "There is a new fee proposal for the Forks of the Kern." This would then be followed parenthetically by "High Impact Recreation Area."

Moreover, in the first paragraph of the Forest Supervisor's letter, it is stated, "The new document, dated March 19th, 2008 has been revised significantly [into new massive HIRA proposals], to incorporate the expressed desires of the public during the review period and subsequent public outreach efforts in 2007-2008." The expressed desires of the public were anything but incorporated into these plans (massive new HIRAs). Rather, the Sequoia National Forest withheld the proposed HIRA maps from public view in an attempt—which if it had succeeded, would have only have had the affect—to bypass public opportunities for expression. The consequent outrage directed towards United States Forest Service officials at the June 5, 2008 Kernville HIRA meeting is documented in the next section.

At Erwin Owen Boys Camp near Kernville, California, juveniles are incarcerated—and justifiably so—for crimes they have committed, crimes that often involve cheating, manipulating, and lying. Is it fair or reasonable, to hold sixteen year old boys to a higher level of accountability than that of United States Forest Service officials?

The Kernville, California HIRA Meeting—June 5, 2008

I arrived at the Kernville Ranger Station just after 5:30pm Thursday June 5. To locate parking I had to drive around the block—past the crowd that was still trying to file inside—to the post office where I found an empty space. Once inside, I edged myself into a small room where I was literally shoulder to shoulder with more than 100 angry Kern Valley residents. For the first few minutes, Sequoia officials tried to run the meeting like a high school science fair, or a shopping excursion to IKEA: the annoyed residents were supposed to file through a few at a time, in small groups, then quickly file out. It did not work this way, the crowd demanded a meeting. Mr. Rick Larsen, the District Ranger, took the initiative, stood on a chair (one of the two chairs in the room) and began to speak. The questions came out in rapid fire: "What have you done with the campground fees you've been collecting at the lake for the last three years?" "How much of the money collected from the campgrounds, stays in the campgrounds?" "Why are the campgrounds just as trashed out today as they were when you started collecting fees three years ago?" "What have the 3% funds collected from the rafting companies been used for?" What is the total amount you have collected from them to date?" "Do you have separate accounts for each of these areas?" "Where are your Business Plans?" "Why did you try to sneak these fees [HIRAs] in?" "Can we get answers to these questions in the near future?"

The answer to all of these questions was—they did not have an answer.

On three occasions Sequoia officials tried to break the crowd up into small "brainstorming" groups. That was a no-go. Leaders of the local Chambers of Commerce denounced the huge HIRA (fee) map that was prominently displayed. "That was never shown to any of us!" one of them told the crowd. Kate DeVries representing herself and her husband Kawaiisu Tribal Elder David Laughing Horse Robinson quietly demanded "Can you account for the last three years of Lake Isabella campground fees, yes or no?" Mr. Larsen began to answer with an explanation. Ms. DeVries forcefully reiterated "Yes or No?" Mr. Larsen responded "The short answer is no."

For a period of time the discussion focused on the new word, HIRA: Question: "Does this mean we will have to pay just to park our car up-river?" Mr. Larsen's answer: "No, you will not have to pay to park your car." Question: "Well, what will we have to pay for?" Answer: "You will only have to pay if you recreate." Question:

"So, what if I just get out of my car and walk down to the river?" Answer: "You will have to pay." Question: "I will have to pay even if I just get out of the car to look at the flowers?" Answer: "Yes." A woman standing behind me wondered aloud if this now meant that she and her friends who pick up trash along the river as both community service and a social activity would now have to purchase a $50 pass to do so. Somebody answered her with the observation that HIRA is a four letter word.

This continued unabated for more than one and one-half hours. Near the meeting's end, I stated aloud "I've been attending these meetings since August of last year and never was there any indication at any of them that there would be HIRAs [fee areas] of such magnitude." I then posed the question to Sequoia officials, "How did you come up with this?" Stiffening, three Sequoia officials quickly turned towards me, Mr. Rick Larsen, District Ranger, pointed an accusing finger and proclaimed "It was because of you Peter! You did it!"

George Orwell warned about this stuff when he wrote Animal Farm. Now, there's a certain species of four-legged barnyard animal making themselves comfortable on our front porch. Mr. Chairman and Distinguished Members of the Subcommittee please don't open the door. Please don't let them in.

> At Erwin Owen Boys Camp, a boy who fails his program is returned to Kern County Juvenile Court for another appearance before the judge. Usually this results in additional time served at a more restrictive detention facility. The expression the boys have given to this process is "going-down-backwards."

Officials of the United States Forest Service have failed their program.

Mr. GRIJALVA. Thank you. Let me yield to my colleague, Mrs. Capps, for her questions. She has a pending conflict of time.

Mrs. CAPPS. Thank you very much, Mr. Chairman. Thank you, each of you, who have testified in this panel. I just only wish that the previous two panelists were still present in the room for this discussion in the very important hearing that we are having today.

Ms. Benzar, the FLREA says that there can be no fee solely for undesignated parking or picnicking along roads or trail sides. Are the agencies charging a fee for roadside parking in some places? You bet. You gave quite a compelling example of that, with the Federal magistrate being involved in a case. Would you care to elaborate? Would you like to give another example because you were only allowed five minutes in your testimony?

Ms. BENZAR. Sure. I can give you the example of Mount Evans in my home State of Colorado, somewhat west of Denver. It is a paved state highway, built and maintained with Colorado Department of Transportation funding. It is the highest paved highway in North America. It goes nearly to the very top of a 14,000-plus foot peak.

Along that highway, I cannot call it an "entrance station" because entrance fees are illegal, but there is a station at the bottom where they collect a fee. All cars have to go past it. It looks just like the entrance to a National Park.

As you go through, you pay your fee, if you want to stop your car anywhere along that road. If you choose not to stop, you do not have to pay, but they do not make that very clear, and most people feel, oh, this is just an entrance——

Mrs. CAPPS. Like a toll road.

Ms. BENZAR.—I am going to pay it. Yes.

Now, the law also states that there can be no charge for scenic overlooks. The only attractions along the Mount Evans Highway are scenic overlooks, with the ultimate overlook being at the very top. They are clearly charging anybody who pulls over to the side

of the road to take a picture, to set foot on the ground, or to use the overlook at the top. There are telescopes at the top.

If you have not paid your fee, you will be ticketed, and that is a Federal misdemeanor. They can charge Class A or Class B, their choice.

Mrs. CAPPS. Thank you. That is excellent. Mr. Wiechers, my next question is for you.

Your testimony, and I understand you went to Cal Poly——

Mr. WIECHERS. I did, yes.

Mrs. CAPPS.—which is in my district—your testimony is filled with examples of abuse by the Forest Service. I appreciate your bringing this to the Committee's attention. All of your testimony is on the written record now.

Recent reports by the GAO found many faults with the Forest Service accounting procedures over collected fees. You did give some striking examples, but share with us what you have learned during your investigations of accounting at the Sequoia National Forest. You have spent a great deal of time there.

Mr. WIECHERS. Yes. One of the things, just the stuff that I got from them when I would ask about, "What have you done with this Rec. Fee Demo money?" because there was really not a lot of obvious things on the ground. They did send me reports, and included in their reports were a couple of computer printouts that had white-outs and cross-outs in it. It looked like they had done that for the purpose of matching the report that they gave to Congress.

There were other weird things in there like a list of things that said, We bought contact cement, and it was $1.89, or something like that.

I also found, as much as I could tell from what they provided me with, that, in one year, this Rec. Fee Demo money that the outfitters are paying; it looked like about 40 percent of it just got siphoned off and sent off to campgrounds or someplace else. I mean, that is a question that apparently the outfitters have been asking them a little bit, anyway, for the last several years: Where is this money? What is going on with it? Nobody can get an answer.

Mrs. CAPPS. Thank you. Mr. Chairman, I would like to ask that if any of these experts who are giving testimony today have materials that they wish to submit for the record, that they be allowed to do that. That would be very valuable for the Subcommittee to have.

Mr. GRIJALVA. Thank you. As I indicated at the beginning, if there are extraneous materials that you want to be made part of the record, they will be.

Mr. WIECHERS. I did give out—I guess it was for the press—a picture and just some newspaper articles from the two weekly newspapers in the valley where I live, if I could——

Mrs. CAPPS. I would ask that those be allowed to be——

Mr. GRIJALVA. Without objection.

Mr. WIECHERS. OK.

Mrs. CAPPS. Thank you very much. We could go back and forth between the two of you, but I want to turn to Mr. Eskridge.

As you are well aware, all of the Federal land management agencies had authority, under the Land and Water Conservation Fund Act, to charge fees for certain developed recreation sites. The shift

of such sites from the LWCFA, or the Land and Water Conservation Fund Act, authority over the Fee Demo, and then the FLREA can give a false impression of how much new money is being raised. There were fees collected before. It was a different agency.

So I am asking you now, wouldn't many of the FLREA sites that you are familiar with, such as campgrounds and boat launches, still qualify to charge fees if the Land and Water Conservation Fund Act rules were restored. In other words, if something happened to these FLREA funds, you would still be able to collect funds from these sites under the previous designation of the Land and Water Conservation Fund Act.

Mr. ESKRIDGE. Madam Congressman and Mr. Chairman, that is my understanding. In fact, I believe that is true. In fact, if I could refer to that original Land and Water Conservation Fund Act, I think the process there was fairly reasonable, and it did produce the fees that were in conjunction with the intent of providing fees for a perceived benefit.

Mrs. CAPPS. If I could just close this question because that red light is on, I am wondering if you would support legislation, then, to repeal FLREA and reinstate the Land and Water Conservation Fund Act. Would that be fine, in terms of the funding that would be able to be used for the maintenance in your local area?

Mr. ESKRIDGE. Mr. Chairman and Madam Congressman, that would be my opinion, at this point. That is what my constituents are telling me. That original legislation was serving its purpose.

This new legislation has been nothing but a problem. It has been confusing. It is applying fees where fees should not be applied. It just seems like an opportunity for the agencies to take advantage of the public.

Mrs. CAPPS. Thank you very much.

Mr. ESKRIDGE. If I may, Mr. Chairman, I forgot, in my original remarks, but could I take just a moment of your indulgence?

Mr. GRIJALVA. A moment, sir, a moment of indulgence.

Mr. ESKRIDGE. I wish your staff assistant, Laurel Angell, happy birthday. For a novice to this proceeding, as a state legislator, I appreciate her help and advice in helping me prepare here and to not embarrass my Congressman from Idaho. Thank you.

Mr. GRIJALVA. Thank you for that, and we're commenting that, as a celebration for her birthday, she was required to be here at this meeting today.

Mr. Sali, any questions sir?

Mr. SALI. Well, Mr. Chairman, I am wondering if there was a fee for her to get into the facility today.

I would like to, first of all, welcome Mr. Eskridge to the Committee, and I want to thank you for traveling from our great state to be here and give your testimony.

As you know, many of the rural counties in Idaho have gone through paralyzing economic downturns, in large part, because of reduced timber harvests on Federal lands that has become nearly nonexistent in many of the communities. Historically, those counties have enjoyed a level of prosperity from those harvests—the related mills and the other related industries—and those timber sales also provided substantial revenue to the Forest Service.

The significant changes in the forest management policy have caused, really, I think, the death of much of the timber harvesting in all of the West, and this has had a substantial impact, including many families losing their jobs in these rural communities, the school districts losing money for educating children in the communities, counties losing money to maintain the road systems, and not to mention losing revenue that the Forest Service brought into the treasury through those timber sales.

Given that perspective, I think it is no wonder that many in Idaho do not favor additional fees for recreational use on the same public lands that once supported their jobs, that used to put money into their schools, and used to sustain their local economies.

I do not think Idahoans are unreasonable. I do not think there is really much concern with fees being imposed to rent a fire tower or an overnight cabin or for digging for star garnets at a developed dig site.

There are, I think, concerns if they are going to be asked to pay a fee to hike or picnic in the woods or raft in the river.

You mentioned in your testimony the forest-management practices that have changed dramatically, and particularly with regard to timber harvests, and the decline in timber harvests impacts those schools and counties because of secure rural school funding. I note that those same practices are also largely contributing to the growing wildland fires that we are seeing across the West.

My question is this: For rural communities in Idaho, like the communities you represent, with the Forest Service budget such as it is, do you see part of the solution to these recreation issues being a more comprehensive approach to the Forest Service budget issues that would include replacement or renewing of that income that used to come, that revenue that used to come, into the Forest Service that could then be used to replace the fees that you would like to do away with?

Mr. ESKRIDGE. Mr. Chairman and Congressman Sali, I think you have said it very well. One of my primary concerns is the loss of the forest products industry in my state, in our state. That has had a significant impact.

In the area where I live, we suffered several mill closures. We have lost that economic benefit to our region, to our state. We now look at the tourist industry as an alternative, part of an economic strategy in our state to recover from this loss of a major industry.

Part of that tourist industry strategy involves the use of recreational facilities on public lands. Now, charging fees for the use of those facilities, fees that are questionable, in terms of their purpose and their benefit that they produce, is my primary concern with this legislation being enacted now.

The impact of those fees is going to create a double-negative impact on my state. First of all, the negative impact is a result of our reduced forest. That reduces not only the revenue to the United States Forest Service; it also reduces the revenue achieved in those local areas surrounding those Federal lands, in terms of employment benefits and tax revenues and other things.

We have lost our revenue. Now we are going to add insult to injury by assessing a fee to the people in my area, and the people visiting my area, for visiting those recreational facilities. That, in

my opinion, has already resulted, and will continue to result, in a decreased use, and that is going to impact our tourist strategy. It is going to impact our ability to recover from the economic loss of the forest products industry.

That is my concern, yet alone just the impact on my citizens. The average income in Idaho is $25,000. That does not leave us a lot of room for recreational opportunities. It does not leave a lot of room for my people to spend a couple of hundred dollars a month on recreation. Their alternative is the Federal public lands, and, to the degree that we price them out of that opportunity, I am respond, and, for that reason, I hope we revisit this whole issue. Thank you.

Mr. SALI. Thank you, Mr. Chairman.

Mr. GRIJALVA. Thank you. Some quick questions. Mr. Eskridge, let me just follow up.

You indicated that the legislature, the Idaho legislature, sent copies of its anti-fee resolution to the administration, House and Senate leadership. What kinds of responses have you received up to this point?

Mr. ESKRIDGE. Mr. Chairman, I am disappointed. It would seem to me, with the Idaho legislature 100 percent behind this resolution, it would have given a signal to the land management agencies that they had a problem.

Other than some brief testimony in the hearing process when we adopted that memorial, I have heard nothing from the Forest Service, no indication of their attempt to recognize the issue that I have brought up. It is disappointing, Mr. Chairman.

Mr. GRIJALVA. Thank you. Ms. Benzar, in your opinion, and based on, well, extensive research and the longtime advocacy that you have provided to this issue, which agency most abuses its fee authority, and which deserves the most praise?

Ms. BENZAR. Praise? OK. Mr. Chairman, that is a difficult question. You are almost asking me, which end of the stick do I want to be hit with?

Certainly, the Forest Service is the biggest abuser. That is easy, not even close.

As far as praise, I would almost have to say the Bureau of Reclamation because they have largely chosen not to implement their authority under this law, and I wish the other agencies would follow their lead.

Mr. GRIJALVA. Thank you. Mr. Wade, on that same, not the praise question, but along the same line, which fees currently being charged at National Parks are most in need of repeal, and why do you say so?

Mr. WADE. I would say probably the fees that are being charged for interpretive programs and probably the fees that are being charged for access to the backcountry through charging for permits; those seem to me to be core, essential services that the National Park Service ought to be providing and that we should not have to resort to charging people additional dollars in order to undertake those activities.

Mr. GRIJALVA. Then one last question for Ms. Benzar and Mr. Wade.

Secretary Rey, I think, talked about how helpful this fee has been, with backlogged issues and unfunded needs that our public lands have, that it has been so helpful that it outweighs any problem. To make his point, he said that, you know, there has been such a benefit that the public is generally tolerant of that fee scale.

Assuming that his logic is correct—quite an assumption, I might add—why hasn't there been that volume of outcry about the fee scale, according to Secretary Rey's testimony?

Ms. BENZAR. I would be happy to go first. I would just suggest that Mr. Rey take a look at my e-mail in-box. I hear daily from people who have encountered a fee, many of them for the first time, and are outraged. If you Google this issue, you will end up talking to me, and I have talked to a lot of people about this.

Their maintenance backlog; I think you put a number, $800 billion, on it. I am sorry, but the GAO has said they do not track that, and so I do not see how they can put any number on it.

Mr. GRIJALVA. OK.

Ms. BENZAR. The GAO has said they cannot say how the fees have addressed it, and what I did hear them say is that they are building new capital improvements, which are only going to add to that backlog.

The money people pay is not going back to the area where they pay it. If they buy an annual national pass or a regional pass, it stays largely at the vendor where they buy it, and they do not know where it goes after that. It does not go to the sites they actually visit. That whole concept has not worked, on the ground, in practice.

Mr. GRIJALVA. Thank you. Mr. Wade?

Mr. WADE. I alluded to this a bit in my comments, but I think the problem is that it is almost like comparing apples and oranges, you know. Given a choice of paying an additional fee, whether it is an entrance fee or a special recreation fee or something, versus the continuing decline of the operational capability of the National Park Service, and the maintenance backlog continuing to increase, there is no doubt that most people feel like it is worth paying the extra fee. But the consequences that go along with that that I already mentioned are not usually taken into consideration.

So it is easy to say 85 percent of the people support it, but if they were given a choice to do that versus have more of those services covered by basic appropriations so that they did not have to be nickeled and dimed, so to speak, I think there would be an overwhelming turn on that support issue.

Mr. GRIJALVA. Thank you very much, and let me thank all of your for the hearing. Chairwoman Napolitano has indicated that she has no follow-up questions. Mr. Sali?

Mrs. NAPOLITANO. I do have some.

Mr. GRIJALVA. You do? I am sorry.

Mrs. NAPOLITANO. Thank you, Mr. Chair. I just want to ensure that—I am going to be submitting some questions for the record, especially at the Department of the Interior, in regard to invasive species, which is greatly affecting some of our rivers and canals, and I am trying to find out how we can work cooperatively with other agencies in being able to address it ahead of its being critical for recreation. Thank you, Mr. Chair.

Mr. GRIJALVA. Thank you, and excuse my jumping ahead and not knowing you had a question.

Mr. Sali, any comments?

Mr. SALI. Another question for Mr. Eskridge. George, I know, in Idaho, we have a number of state parks as well that I think we do a pretty good job of managing there, and I am wondering if there was a process to allow—it would probably have to be some kind of a pilot on the front end—some kind of process for the states to actually take over management of some of these park areas, and, given the experience we have had in Idaho, I think it is pretty positive. Do you think that that would help eliminate some of the problem with the fees needing to be charged?

Mr. ESKRIDGE. Mr. Chairman and Congressman Sali, I think that is a great idea. In fact, we have discussed that with certain members of our legislature, not only in the area of park lands but also in forest management. It has been proven—we can prove it by statistics—that our management of our forest lands, our state-owned forest lands has resulted in significant amounts of revenue under the intent of the use of those lands for the benefit of our schools.

We have produced more revenue per acre. Our firefighting costs are less per acre. Our whole management structure has proved to be of a more efficient nature than the counterpart in the U.S. forest lands. I think we can show the same thing in park lands as well. Thank you for that question.

Mr. GRIJALVA. Thank you very much. Let me just close by thanking our witnesses. It has been 11 years since the process of charging fees began, and the agencies, I believe, have a long way to go in managing their fee programs and accounting for them professionally through standards, both to Congress and the public.

Part of this mad dash for the fee money has been the consequence of this Congress and administration not providing sufficient funding for the upkeep, backlog, and services that the public demands that they pay for at the beginning for their public lands.

After three years of implementation of the REA act, I think all of us know it is not a magic bullet this is going to deal with all of the problems associated with our public lands, and there are still significant problems.

We need to deal with these problems honestly and openly, debate them, and how to either mend this program or repeal it altogether. As we go forward, I think your testimony has been essential.

It is an area of oversight that we have overlooked in the past, and I am happy for you to join us today to begin what I believe is a beneficial process for all Americans. This is a shared responsibility that we have in our public lands. Looking at this fee schedule, what it promised, what it is not doing, and also the kind of loose interpretation of what the REA law is, in terms of the application of fees in our public lands; all of those have to be looked at, and I am looking forward to the debate and to the development of legislation to deal with this. Thank you so much, and the meeting is adjourned.

[Whereupon, at 12:10 p.m., the Subcommittees were adjourned.]

○