

**H.R. _____, “FEDERAL LANDS
RECREATION ENHANCEMENT
ACT”; H.R. 2743, “VETERANS
EAGLE PARKS PASS ACT”; AND
H.R. 3976, “WOUNDED
VETERANS RECREATION ACT”**

LEGISLATIVE HEARING

BEFORE THE

SUBCOMMITTEE ON PUBLIC LANDS
AND ENVIRONMENTAL REGULATION

OF THE

COMMITTEE ON NATURAL RESOURCES
U.S. HOUSE OF REPRESENTATIVES

ONE HUNDRED THIRTEENTH CONGRESS

SECOND SESSION

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LEGISLATIVE HEARING ON H.R. ____, TO AMEND THE FEDERAL LANDS RECREATION ENHANCEMENT ACT TO IMPROVE CONSISTENCY AND ACCOUNTABILITY IN THE COLLECTION AND EXPENDITURE OF FEDERAL RECREATION FEES, AND FOR OTHER PURPOSES, “FEDERAL LANDS RECREATION ENHANCEMENT ACT”; H.R. 2743, TO MAKE THE NATIONAL PARKS AND FEDERAL RECREATIONAL LANDS PASS AVAILABLE AT A DISCOUNT TO CERTAIN VETERANS, “VETERANS EAGLE PARKS PASS ACT”; AND H.R. 3976, TO PROVIDE FOR A LIFETIME NATIONAL RECREATIONAL PASS FOR ANY VETERAN WITH A SERVICE-CONNECTED DISABILITY, AND FOR OTHER PURPOSES, “WOUNDED VETERANS RECREATION ACT”

Friday, April 4, 2014

U.S. House of Representatives

Subcommittee on Public Lands and Environmental Regulation

Committee on Natural Resources

Washington, DC

The subcommittee met, pursuant to notice, at 9:07 a.m., in room 1324, Longworth House Office Building, Hon. Rob Bishop [Chairman of the Subcommittee] presiding.

Present: Representatives Bishop, Lummis, Tipton, Daines, LaMalfa; Grijalva, Garcia, and DeFazio.

Also Present: Representatives Nugent, Mullin; and Ruiz.

Mr. BISHOP. This committee is called to order. We have presence of a quorum. Under the Rules, opening statements are limited to the Chairman and Ranking Member. However, I ask unanimous consent to include any other Members' opening statements into the hearing record, if submitted to the clerk by the close of business today.

[No response.]

Mr. BISHOP. Hearing no objections, that is ordered.

I want to welcome our colleagues here who are here to testify to two bills: Mr. Nugent, Mr. Ruiz, who are here. These bills you are going to hear are discussing—Mr. Nugent has one to make the National Parks and Federal Recreational Lands Pass available at a discount to veterans. Mr. Ruiz's bill is to provide a lifetime

National Recreational Pass for veterans with service-connected disability.

We are also going to be talking about a draft of reauthorization of the Federal Lands Recreation Enhancement Act.

**STATEMENT OF THE HON. ROB BISHOP, A REPRESENTATIVE
IN CONGRESS FROM THE STATE OF UTAH**

Mr. BISHOP. To save time, because we are going to have votes here, I am going to submit my statement to the record. We will discuss the H.R. 2743 and H.R. 3976 first in here, then we will go to the FLREA issue.

My statement is really great, so I hope you read it at some time.

When we come to FLREA, I just want to say this in preference to FLREA. Often times, when we have hearings on bills, it is the bill that we want—with which we will go forward. The FLREA draft that you have seen is not the final version of the bill that will go forward. The purpose for this hearing is actually to get a lot of ideas that we can then go back and reincorporate into a final version.

So, this is going to change. It will deal with the concept of fees, which is a practice that goes back 100 years in this country to 1914, another of those archaic laws that we have. But there are only three reasons for having fees. Either it is a sleazy way of getting revenue in place of taxes, in which case the amount you generate is the most important element. Or, it becomes some kind of user element, in which case the distribution and how those fees are used becomes the most significant element. Or, it is some kind of way of using a market force to try and drive decisions on where we actually place our resources.

So, we are going to talk about that philosophy, but then I want to have specifics. Those who are testifying will have a chance to have specifics. Also, we are going to hold open the ability of people to send other ideas to us, because we have a lot of work still to do on this particular bill.

[The prepared statement of Mr. Bishop follows:]

PREPARED STATEMENT OF THE HON. ROB BISHOP, CHAIRMAN, SUBCOMMITTEE ON
PUBLIC LANDS AND ENVIRONMENTAL REGULATION

Today we will be considering three bills. Two that would provide discount passes for our Nation's veterans and a discussion draft for the reauthorization of the Federal Lands Recreation Enhancement Act (FLUH-REE-AH, in government-speak) which expires next year.

FLREA is the program that authorizes the National Park Service, the Fish and Wildlife Service, BLM, the Bureau of Reclamation, and the Forest Service to charge fees at developed recreation facilities on Federal lands and waters when special services are provided. The agencies can then retain and spend the revenue from fees with most of the money retained at the collection site.

FLREA also authorizes the sale of nation-wide passes including the discount passes that would be authorized by H.R. 2743 and H.R. 3976.

Charging fees on the public lands is a complicated issue that Congress has been dealing with since 1914 when the first automobile fee was charged at Mount Rainer. America's vast system of public lands can, if managed wisely, provide our country with a great abundance of outdoor recreation, wildlife habitat, energy, minerals timber and food. But to obtain these benefits our Federal land managing agencies must stop thinking they are like the Sheriff of Nottingham whose job it was to keep people from entering the King's Forest.

Each year we in Congress appropriate billions of dollars collected from the already overburdened taxpayer to pay for visitor access, safety, services, and maintenance

on our public lands. To encourage additional visitor facilities we also allow the agencies to charge FLREA fees in certain circumstances.

There are differences of opinion as to how these fees should be paid. Some believe that access to all public lands should generally be free, that the full cost of the managing these lands should be paid entirely by the general taxpayer. Others argue that the people who actually use these lands should pay, through entrance and user fees, a greater share than the taxpayers who may never choose to visit these places.

The goal of the discussion draft is to hear suggestions from the interested public and the agencies on what changes should be made in the program.

Today we will hear from witnesses who represent the Federal agencies that administer FLREA as well those who have proposals for reforms of the program.

Several important issues need to be addressed.

- There is the fundamental question of where, when and who should be charged? Is the system of fees that we have now fair?
- How do we ensure that the public has ample opportunity to participate in determining where fees are charged and what the rates are?
- How should fee revenue be used? What should Congress do to ensure that the agencies are accounting for the revenue? The agencies cannot expect public support for the fee program if they do not know how the fees are being used.
- Outfitters and guides and other private organizations provide outstanding opportunities for visitors to get out and experience our public lands, but right now the bureaucracy and permit limitations are pushing these often small, family-run companies to the edge of extinction. What steps can congress take to ensure that these small businesses are able to thrive and continue to make recreation experiences available to a wide audience?

These are just a few of the questions this subcommittee will need to consider as part of any FLREA extension.

The authorization for FLREA expires in December of 2015, but because some of the activities allowed under the act are multi-year, it is best for us to act well before the expiration date. Before we extend the program, however, we need to see what we can learn from the successes and failures of the current and past programs. In doing so, I want the agencies to come to realize that when the American people enter public land, they are not trespassing.

Let us then begin the hearing. I look forward to hearing from today's witnesses.

Mr. BISHOP. With that, I will yield—I will finish my opening statement, and I will turn to Mr. Grijalva for an opening statement.

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

Mr. GRIJALVA. Following the cue, I will submit my statement for the record.

Thank you, Mr. Chairman, for holding this important meeting, and thank Ranking Member DeFazio for his valuable input into the discussion we are having today.

[The prepared statement of Mr. Grijalva follows:]

PREPARED STATEMENT OF THE HON. RAÚL GRIJALVA, RANKING MEMBER,
SUBCOMMITTEE ON PUBLIC LANDS AND ENVIRONMENTAL REGULATION

I would like to thank Chairman Bishop for holding this important hearing today and thank Ranking Member DeFazio for his valuable input in the discussion.

Since the passage of the Federal Lands Recreation Enhancement Act, the collection of fees to recreate on public lands has at times been very controversial. Some believe that we should not charge entrance fees for our public lands at all, and others believe it is important for public land managers to be able to collect fees to provide enhanced services to those who visit our Nation's public lands.

I witnessed the controversial nature of fees first-hand in my home State of Arizona. Fees established by the Forest Service for parking on the Mt. Lemon highway became hugely contentious.

Arguing that the Forest Service was illegally charging fees, a group of local citizens sued the Forest Service and won. The court found that the Federal Lands Recreation Enhancement Act doesn't let the Forest Service charge people for parking, hiking or using any land that doesn't have some physical structure.

Although I believe it is important for the agencies to be able to collect fees to offset dwindling appropriations for our Nation's public lands, I do not believe that collecting fees to recreate on our Nation's public lands is the silver bullet to solve the maintenance backlog and is the long-term solution to our budget constraints.

So I am eager to hear from today's witnesses to see what middle-ground we can find to ensure that reauthorization of the Federal Lands Recreation Enhancement Act can strike a balance for everyone, and see if this fee program is working to enhance recreation on our public lands.

I'm eager to hear from our witnesses and again want to thank the Chairman for holding this important hearing and yield back the balance of my time.

Mr. GRIJALVA. With that, I yield back.

Mr. BISHOP. Thank you. Mr. DeFazio, do you have a statement you wish to make?

STATEMENT OF THE HON. PETER DEFAZIO, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF OREGON

Mr. DEFAZIO. Mr. Chairman, you have created such a great example early in the morning here, that I will also forego the opening statement. I did like—out of your three reasons for fees, number two is the one I would circle and choose.

[Laughter.]

Mr. DEFAZIO. So, anyway, I am looking forward to the information received today. Thank you, Mr. Chairman.

Mr. BISHOP. Thank you. With that, we are going to turn to the first of the two bills that are in front of us. I would like to ask the sponsors of those two bills, if they have a statement they would like to make with us.

So I will first go with H.R. 2743, Mr. Nugent, then I will turn to Mr. Ruiz for H.R. 3976. Then, while we are playing with this game, I would like Mr. Reppenhagen, if you would talk on these bills, we will open it up for questions at that point.

Ms. Weldon, Ms. Haze, I think you are here on everything. So I am going to hold you until we bring up the second panel, and you can give the Administration's opinion on all three issues.

OK. So, we are trying to expedite this, which is what I usually don't do.

But, Mr. Nugent, you are recognized to introduce your bill. Thank you for being here with us, by the way.

STATEMENT OF THE HON. RICHARD B. NUGENT, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF FLORIDA

Mr. NUGENT. Thank you, Mr. Chairman and Ranking Member and other members of the committee. Thanks for inviting me and affording me this opportunity to testify in support of my bill, the "Veterans Eagle Parks Pass Act."

Last May, my constituent, one of my constituents, David Shulbert, brought to my attention that senior citizens are eligible for a \$10 lifetime pass to more than 2,000 recreation sites across the country, but our Nation's veterans are not. Furthermore, active duty military personnel and their dependents are eligible for free annual admission to any national park that charges an entrance or

standard amenity fees. My constituent simply asked, “Don’t our veterans deserve the same?” Mr. Chairman, I happen to agree with my constituent on this issue.

Our Nation’s veterans have made tremendous sacrifices in defense of our freedom. If it weren’t for these brave men and women, we wouldn’t be here, sitting here today, having discussions about this particular issue or any issue. The Veterans Eagle Parks Pass would allow honorably discharged veterans providing their DD214’s the freedom to purchase a lifetime national park pass for Federal and recreational lands for \$10. The DD214 is a certificate of release or discharge from active duty, and that issue of service member’s retirement, separation, or discharge.

Upon introducing this bill, I was pleased to learn that at least 80 percent of the revenue collected at these sites stay at those sites, providing agencies flexibility, and enabling them to directly address visitor and site needs. By offering a \$10 pass instead of a free pass, recreational sites will still be able to collect much-needed revenue. Frankly, Mr. Chairman, if the committee finds a different dollar amount is more sensible, I would defer to you in that aspect.

Recreation sites throughout our country bring families together. I know that some of my finest memories include my years growing up and my dad and folks taking us to national parks, but also my taking my sons to those same national parks. So—let’s not forget about the impact recreational sites have on our local economies. Tourism has been a great potential to foster economic growth and create jobs.

Before concluding, I would like to take a moment to recognize my colleague from California, Mr. Ruiz. I applaud the gentleman’s efforts to provide a lifetime pass to our service-connected disabled veterans, and I hope we can collaborate in the future. I happen to have three sons that currently serve this country in the U.S. Army. So I am certainly indebted to them.

So, we are all indeed indebted to our veterans for their honorable and heroic service. The Veterans Eagle Parks Pass Act, I hope we can honor the service with a discount to the land they helped defend.

With that, Mr. Chairman, I yield back.

[The prepared statement of Mr. Nugent follows:]

PREPARED STATEMENT OF THE HON. RICHARD B. NUGENT, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF FLORIDA ON H.R. 2743

Good morning Mr. Chairman, Ranking Member and members of the committee. Thank you for inviting me here and affording me the opportunity to testify in support of my bill, the Veterans Eagle Parks Pass Act.

Last May, my constituent, David Chilbert, brought it to my attention that senior citizens are eligible for a \$10 dollar lifetime pass to more than 2,000 recreation sites across the country, but our Nation’s veterans are not. Furthermore, active duty military personnel and their dependents are eligible for free annual admission to any National Park that charges entrance or standard amenity fees. My constituent simply asked, “Don’t our veterans deserve the same?” Mr. Chairman, I agree with my constituent.

Our Nation’s veterans have made tremendous sacrifices in defense of our freedom. If it weren’t for those brave men and women, we wouldn’t be sitting here today having this hearing.

The Veterans Eagle Parks Pass Act would allow honorably discharged veterans—upon providing their DD214—the freedom to purchase a lifetime National Parks and Federal Recreational Lands Pass for \$10. The DD214 is a certificate of release

or discharge from active duty that is issued at a service member's retirement, separation or discharge.

Upon introducing this bill, I was pleased to learn that at least 80 percent of the revenue collected at sites stay at those sites, providing agencies flexibility and enabling them to directly address visitor and site needs. By offering a \$10 pass instead of a free pass, recreation sites will still be able to collect much needed revenue. Frankly, Mr. Chairman, if the committee finds that a different dollar amount is more sensible, I would defer to you on that aspect.

Recreation sites throughout our county bring families together. I know some of my fondest memories include teaching my sons about the great outdoors. We must also not forget about the impact recreation sites have on local economies. Tourism has the great potential to foster economic growth and create jobs for Americans.

Before concluding, I would like to take a moment to recognize my colleague from California, Mr. Ruiz. I applaud the gentlemen's efforts to provide a lifetime pass to service-connected disabled veterans and I hope we can collaborate in the future.

We are all indebted to our veterans for their honorable and heroic service. With the Veterans Eagle Parks Pass Act I hope we can honor their service with a discount to the land they helped defend.

Mr. BISHOP. Thank you, Sheriff. I appreciate that. Appreciate your testimony. You have the option of staying here with us and hearing the rest of the testimony on your bill and others. If you have other appointments, I realize that, and I will be terribly offended if you leave, but I recognize—

Mr. NUGENT. As you know, we have a rule on the Floor right now, which I need to go testify on, Mr. Chairman. We were at the Rules Committee last night together. So if you don't mind, I would—

Mr. BISHOP. Sure, have a good reason for it.

[Laughter.]

Mr. BISHOP. Thank you. I appreciate that. We will now turn to Mr. Ruiz, if you would like to introduce H.R. 3976, please.

**STATEMENT OF THE HON. RAUL RUIZ, A REPRESENTATIVE IN
CONGRESS FROM THE STATE OF CALIFORNIA**

Dr. RUIZ. Yes, sir. Thank you, Mr. Chairman, Ranking Member, and all members of this committee, for holding this legislative hearing. Before Congressman Nugent leaves, I want to say thank you for your bill. It is a very good bill. I will take you up on the offer to partner and continue to serve our veterans.

The bills we will be discussing today serve as a testament to our committee's dedication to preserving veterans' access to national parks. I thank the Chairman for including my bill, H.R. 3976, the Wounded Veterans Recreation Act, in the legislative hearing today. My bill honors the service of our Nation's veterans by ensuring that disabled veterans have the opportunity to enjoy and visit America's national parks at no cost.

National parks give our veterans the opportunity to connect with nature and to exercise, which leads to better spiritual, mental, and physical health. I am an emergency medicine physician, and I often times see individuals post-trauma, whether in civilian or sometimes coming in with disabilities from their service. There is a strong want for connect, for living their life the way they had before they were injured or wounded. It is not only medicine to the body, but also medicine to the mind and medicine to the soul to be

able to go visit those same national parks that they have defended our country and defended with their service.

These national parks also preserve and commemorate our heritage, ideals, and the sacred sites that American service members have defended since the founding of our great Nation. The service of our Nation's veterans past and present is the centerpiece of many of our national parks. This bipartisan bill will ensure disabled veterans have the opportunity to enjoy and frequent these sites.

I would like to thank Mr. Garrett Reppenhagen, a veteran and program director with the Vet Voice Foundation, for traveling here today to share his story about the importance of nature when transitioning back to civilian life, and also Mr. Mark Star, a veteran and program director with the Vet Voice Foundation from southern California. I also want to thank the VSOs, my veterans advisory group, and the veterans in my district for their input. This is really their creation.

I appreciate the Chairman's willingness to include this bill in today's legislative hearing, and I look forward to working together to move this legislation forward.

Thank you all, and I yield back my time.

Mr. BISHOP. I thank the gentleman from California for his testimony. We will make the same offer to you, as well. You may stay here as long as you wish. I appreciate it if you did, but if you have other obligations, we understand that as well. Thank you.

Let me turn to Mr.—and the name is Reppenhagen—

Mr. REPPENHAGEN. That is correct.

Mr. BISHOP [continuing]. Is that correct—who is coordinator of the Rocky Mountain West, Vet Voice Foundation, to testify on either of these or both of these two pieces of legislation.

If you have not been here before and—recognize that you have 5 minutes in which to speak. Anything, obviously, you have written will be part of the record. This is the oral presentation. So when the green light is on you are in great shape. When the yellow light hits you have 1 minute to finish. When the red, you are dead. OK.

[Laughter.]

Mr. BISHOP. So, please, we will recognize you, appreciate you being here. We recognize you.

**STATEMENT OF GARETT REPPENHAGEN, COORDINATOR,
ROCKY MOUNTAIN WEST, VET VOICE FOUNDATION**

Mr. REPPENHAGEN. Thank you, Chairman Bishop. Thank you, members of the subcommittee. As said, my name is Garrett Reppenhagen. I am the program director of Vet Voice Foundation.

Vet Voice Foundation is a 501(c)(3) non-partisan, non-profit organization. One of our chief campaigns is to get veterans into the outdoors. We have already recognized the fact that veterans benefit from the healing nature of our outdoors areas. Our public lands are the best access for veterans to receive that therapy.

Second of all, we also provide protection for our natural wonders. We see, as a continued service to our country, coming back and defending the lands that we love, and making sure that they are preserved, as well.

To begin, I would like to tell you a little bit of my personal story. Both of my grandfathers served in World War II. My father's father was a Marine Corps veteran that served in Europe, and my mother's father was in the Navy and served in the Pacific. My own father served in Vietnam. He enlisted as a U.S. Army engineer, served one tour in Vietnam, completed 20 years of active duty, and retired. He passed away 1 year after he retired of Agent Orange-related cancer.

So, my family has a strong tradition of serving in the military, and I learned going into the outdoors was an important way to share the bonds with my family, to reconnect, to grow, without the distractions of television and shopping malls. An ability to speak father-to-son in an outdoor setting is an incredible, impactful experience. That is how I learned to enjoy the outdoors.

I, myself, joined as a cavalry scout in the U.S. Army 1 month before September 11. I went to Kosovo for a 9-month peacekeeping mission with the 1st Infantry Division, was selected to sniper school. I finished second in my class in the Special Forces Army Interdiction Target School. Then I went to 1 year of service in Iraq. I served in a brigade sniper team on counter-IED, counter-mortar missions. I conducted over 160 combat operations without the use of an armored military vehicle. Many of those were on foot, climbing over our own wall, going up to 2 kilometers away on foot to sniper positions to overwatch roads. I was in countless amounts of combat situations and survived dozens of ambushes.

To say the least, I had come home with post-traumatic stress disorder. I suffered from intrusive thoughts, hyper-vigilance, anxiety, troubled sleep, aversion to crowded areas, depression, relationship issues. If it wasn't for my ability and my knowledge to go out into our public lands and enjoy nature, I probably wouldn't be sitting here today. The recovery that I personally experienced in our outdoors was incredible. It allowed me to transition back on a time of my choosing, and I was able to find peace of mind in the serenity of our outdoors.

So, not only do I know from personal experience that the outdoors can benefit me spiritually, emotionally, and physically, there has also been a study by the University of Michigan, a mental health study in 2013, that shows that veterans participating in extended outdoor recreation activities show signs of improved mental health. Some of the most serious mental health problems have benefited the most from outdoor experiences.

Right now, you have to be 100 percent disabled to be able to get a lifelong pass into our outdoors. I know if this was changed to include any disabled veteran, that would encourage more veterans to seek out our outdoors and enjoy those experiences and be offered the same opportunities for the therapeutic benefits of those areas.

Vet Voice Foundation has over 360,000 members. Many of these members have discovered the same things I do. It is one of the reasons why we defend the ability to preserve our national parks so much. I know that you all are patriotic Americans, and I know you appreciate the service that veterans have done. But I want you to consider the fact that sometimes even the small fees some of these parks have is a deal-breaker for many veterans to go to the outdoors. If they could take their families on hunting, fishing, and

camping trips, I think many of these veterans would heal at a much faster rate.

So, in closing, I want to thank Representative Ruiz. I think your leadership is commendable for this. We need more decisionmakers like yourself moving forward to help our veterans. I want to thank the entire subcommittee. I will stay around for any questions. I am humbled to be here, and honored. Thanks.

[The prepared statement of Mr. Reppenhagen follows:]

PREPARED STATEMENT OF GARETT REPPENHAGEN, VET VOICE FOUNDATION ON H.R.
3976

Thank you for inviting me to testify today. My name is Garrett Reppenhagen and I am the Program Director for the Vet Voice Foundation.

Vet Voice Foundation is a 501(c)3 non-partisan, non-profit organization which was established in 2009. One of the key campaigns at the Vet Voice Foundation is simple and two-fold: First, to reach out to America's veterans, especially our Nation's wounded warriors and introduce them to outdoors. This introduction is very important for our service members. Outdoor recreation can and does play a strong role in the recovery of many of America's veterans when they return from the battlefield and begin the process of reintegration to their communities and families.

Second, Vet Voice Foundation is also involved in protection efforts of our Nation's public lands. Throughout the western United States, Vet Voice Foundation and its membership have provided a unique voice in the call to preserve our natural heritage for future generations advocating for both responsible Federal conservation policies and funding as well as legislation that protects these beautiful landscapes.

In order to share with you how I became involved with this organization and its mission, I feel it is also important that I tell my own story. My family has a tradition of military service. Both my grandfathers served in World War II. My father's father was a Marine and my mother's father was in the Navy. My father joined the U.S. Army as an Engineer and completed a tour in Vietnam. He retired after 20 years of active duty and passed away the following year from Agent Orange related cancer when I was 14 years old.

I joined the U.S. Army as a Cavalry Scout in August of 2001, 1 month before the attacks on September 11. I served in a 9-month peacekeeping mission in Kosovo before being selected to sniper school and earning the second best score in the Special Training Target Interdiction Course. I deployed to Iraq in January 2004 and served in a Brigade sniper team on counter IED and counter mortar missions. After a 10-month stop-loss, I received an Honorable Discharge in June 2005. During the 1 year in Iraq I performed over 160 combat missions without the use of an armored vehicle, engaged in countless firefights, and survived dozens of ambushes.

My transition back into civilian life was a challenge. I found that I struggled with intrusive thoughts, hyper vigilance, anxiety, troubled sleep, an aversion to crowded areas, depression, and relationship issues. While I have always found peace in the outdoors, it was never more evident than when I returned home from Iraq. Camping, hiking and exploring natural wonders became a way of life and an opportunity to find peace.

My road to recovery was not just spent in VA offices but also on hiking trails and cold water streams.

As a veteran with a PTSD diagnosis, I can tell you that outdoor recreation has benefited me in so many ways—spiritually, emotionally and physically.

In 2012, I joined Vet Voice Foundation. Since then, I have worked and traveled all over the West, recruiting veterans to our cause, hosting outdoor events and conservation service projects. I partnered with Veteran Expedition, Sierra Club, and Rivers of Recovery to bridge more veterans to the outdoors. The connection between veterans and conservation is not a new phenomenon. Actually, veterans have a storied tradition of involvement in conservation dating back to arguably one of America's greatest presidents, Teddy Roosevelt, who was a founder of our Nation's conservation movement.

As veterans, many in our community view conservation as a civic duty. Protecting America's lands is patriotic. After all, as veterans, we not only fought to preserve our Nation's democracy, but also this land in all its glory—from shore to shore, from sea to shining sea, against all enemies. Yes, conservation is patriotic and if you talk to our membership they will be quick to remind you that keeping America's public lands—its natural treasures—beautiful, is a noble and worthy cause for veterans.

Today, thanks to Representative Raul Ruiz and the bi-partisan coalition that joined to support his efforts, I am here to offer the support of Vet Voice Foundation and the veteran community for the “Wounded Veterans Recreation Act.”

This bill, is a fitting tribute to America’s veterans and military families.

As I have noted, veterans frequent America’s public lands. Many are sportsmen, hunters and anglers who value their time in the wild. Some simply utilize these treasures as a means or reconnection with family and friends by camping and hiking. All have, however, as I, found some form of peace on our precious Federal recreational lands.

Currently, to enjoy a free lifetime pass on these lands, a veteran would have to be totally and permanently disabled with a 100 percent disability rating from the Department of Veterans Affairs. In my case, I am a 90 percent service connected veteran—thus I do not qualify for this pass due to my current rating. My situation is also similar to many veterans I have worked with over the years as very few are permanently disabled at 100 percent.

Also of interest, 3.5 million veterans live with a service connected disability. Free access to our Nation’s parks and Federal recreational lands would definitely give an incentive to get outdoors for what would be a very therapeutic experience.

On that specific note, the University of Michigan conducted a study in 2013 which clearly shows that veterans participating in extended outdoor recreation activities showed signs of improved mental health. The study also suggested a link between outdoor activities and long-term psychological well-being.

The study also clearly noted that veterans with the most serious health problems benefited the most from outdoor recreation.

While Vet Voice Foundation was happy to see a scientific study of this nature, it came as no surprise.

A member of Vet Voice Foundation, Scott Roney, is a retired Army Chaplain who currently serves as a behavioral health provider at Naval Hospital Camp Pendleton. Scott, like many mental health clinicians sees service members and their families as they are in the process of reintegration. Many of these men and women are seeking help in dealing with combat trauma. Scott is a strong believer in encouraging these men and women, as well as their families to look to the outdoors as a means of recovery.

Last summer, Scott joined Vet Voice Foundation as we visited various lawmakers and the White House to discuss our mission and work with veterans. I was truly moved to hear Scott share with congressional and White House staff the stories of courage and recovery as well as how mother nature can play a role in helping make someone become whole again. Yes, this is a very powerful anecdote that our veterans can turn to. Science and our Nation’s behavioral health specialists are in agreement—get outdoors and get healthy.

Today, I ask the members of this committee to please consider this information when evaluating this bill. Including all service connected veterans for a lifetime pass through this legislation is a benefit long overdue to our community. We have sacrificed dearly for this Nation. Some of us have scars that will always be present. As I look at this committee, I do know that you are all patriots and care deeply about the future of America’s veterans. With that stated, I ask again, please remember us as you consider this legislation. It would truly benefit our community and families and would likely draw even more veterans to the outdoors.

In closing, I want to personally thank Representative Raul Ruiz for his leadership on this bill. His vision, commitment and character are things we all hope to see in our elected officials.

In conclusion, Chairman Bishop and members of the subcommittee, thank you again for inviting me to testify today. I hope that in the coming months, Vet Voice Foundation and its members can possibly visit with members of the subcommittee and its staff. I know our veterans would be honored to meet with you all and discuss their stories of why the outdoors are such an important component of their lives.

I look forward to answering any possible questions you may have concerning my testimony. Today has truly been an honor for myself and our organization. I am humbled to be here.

Mr. BISHOP. Thank you. You notice how well you timed that thing.

The Administration will eventually testify on this bill, and you can ask questions at that time of them. But are there any ques-

tions for either the Congressmen or Mr. Reppenhagen from the committee?

[No response.]

Mr. BISHOP. If not, I want to thank you for being here. Thank you for your testimony. I appreciate your—you know what I am trying to say. Thank you for being here. You can go now.

[Laughter.]

Mr. REPPENHAGEN. You are welcome. Thanks, everyone.

Mr. BISHOP. All right, what I would like—and appreciate it. If you would like to hang around, you still can. All right.

What I want to do is leave Ms. Weldon from the Forest Service and Ms. Haze from the Department of the Interior there, and bring up Brian Merrill, who is the Western River Expedition—from Western River Expeditions, the Moab Adventure Center; David Brown, who is America Outdoor Association; and Mr. Aaron Bannon, Environmental Stewardship and Sustainability Director from the National Outdoor Leadership School.

You all heard the spiel. Again, please watch the clock in front of you. When it goes yellow, you have 1 minute to finish up. All of your testimony that is written will be added—is already in the record. Anything you want to add, again, that is written, is in the record.

We will ask—starting first with Ms. Weldon from the Forest Service, if you would like to testify on all three bills, and then we will go to Ms. Haze, and then we will go down the line, starting with Brian, and continue on. Each of you have 5 minutes for your oral presentation.

Ms. Weldon, please.

STATEMENT OF LESLIE WELDON, DEPUTY CHIEF, U.S. FOREST SERVICE, DEPARTMENT OF AGRICULTURE

Ms. WELDON. Great, thank you very much. Thanks, on behalf of the Department of Agriculture, for the opportunity to testify to you today on the three bills—the two bills and the one draft bill that we are looking at.

So, just succinctly—and I really appreciate hearing the expressions around the two veterans bills that are proposed for free passes. The Forest Service and our other Interior agencies over the years have had opportunities where we have strived toward offering and honoring our veterans through different types of passes. The two that are proposed today, I would just say that the Department fully supports.

We look forward to working with both the committee and the Department of Veterans Affairs to work through the rest of the issues on these and how we can get to a point of implementation. It was great to hear the acknowledgment of the value of outdoor experiences from so many different venues, especially from the standpoint of our veterans returning home and getting back to full quality of life that we all strive for.

As it relates to the proposed bill, again, thank you to the committee for the work that you have done to really keep this a front-burner issue to enable the Recreation Enhancement Act to be something that we can continue to use into the future. We really acknowledge the value and benefit of this program, through the ex-

periences that we have had over the last number of years to provide good-quality recreation experiences at these fee sites, and to use the revenues that come from this program to help create a lot of flexibility in how we deliver the whole suite of outdoor experiences to citizens on the national forests.

As you know, we have over 166 million visitors who do every kind of outdoor recreation year-round on national forests. These contribute significantly to our local communities. As of last June, when we testified, there were approximately \$13.6 billion of recreation-related experiences that contribute to the national gross domestic product associated with national forests. That translates into over 200,000 jobs, many of which are located in rural communities.

Fee retention is a critical component of our sustainable recreation program, from a financial standpoint, and, again, for that flexibility. With this program we have about—between 80 and 95 percent of the revenues that come from fee purchases that get reinvested directly into the sites where people expect certain amenities when they come and recreate. By way of a couple of examples, in Utah rec fee revenue has helped to develop a mobile app for people to quickly and easily search for recreation sites and opportunities. In Idaho, fee revenues from outfitters and guides has helped us monitor the Middle Fork and the Main Salmon Rivers where river rangers remove garbage and hazard trees and help injured or lost and disabled boaters, and inspect boats to prevent spread of invasive species.

We also see that our recreation use, overall, with the national forests is continuing to increase. From studies we have done between 2005 and 2012 on 70 national forests, there has been an overall increase for developed campgrounds that has grown by over 2.5 million people, visits.

Another thing that is very important about this fee program is that we work hard and we are very successful at leveraging our partnerships with communities, with recreation groups, other non-profit organizations, as well as working with our outfitter and guides, who are a key partner in delivering recreation experiences on the national forests. These fees help to support small businesses who provide services that help citizens to enjoy experiences on the national forests.

We are really pleased with the progress the discussion draft has made, and we would like to continue to work with the Chairman and the subcommittee on a few issues. We want to be sure that we can retain a consistent approach regarding fees at recreation sites, especially as it relates to getting public input, and being able to evaluate where those fees occur, what those fee structures are. We know we have work to do to ensure that we keep that important part of the process very transparent.

We also want to be sure that we can retain our recreation reservation service, and that we can continue to maintain the flexibility that occurs across the agencies. Finally, we really would like to continue an open dialog around the ability for us to pursue permanency for this legislation that will allow for some stability as both the private side and the national forests do planning.

So, with that, I would like to conclude my remarks, and I would be happy to answer any questions.

[The prepared statement of Ms. Weldon follows:]

PREPARED STATEMENT OF LESLIE WELDON, DEPUTY CHIEF, U.S. FOREST SERVICE,
DEPARTMENT OF AGRICULTURE

Chairman Bishop and members of the subcommittee, thank you for the opportunity to discuss the implementation of the Federal Lands Recreation Enhancement Act (REA) by the U.S. Department of Agriculture (USDA) Forest Service. I am Leslie Weldon, Deputy Chief of the National Forest System, Forest Service, testifying today on behalf of USDA.

USDA appreciates the efforts of this Congress to extend REA for an additional year in last October's continuing resolution. This extension has allowed the agency to proceed with normal operations without any impact on the public or our partners. It has also allowed time to continue valuable discussions concerning the recreation fee authority on Federal lands and identify a way to continue to deliver important recreation services to the public.

REA and Recreation

The authorities in REA allow us to improve recreational facilities and services and provide quality visitor experiences across National Forest System (NFS) lands. These authorities enable the Forest Service to invest in upkeep and improvements at recreation sites that visitors use and enjoy. Through our collective mission with the U.S. Department of the Interior, we provide the American public and visitors from around the world with outstanding recreation opportunities on Federal lands. Since the enactment of REA in December 2004, we have made tremendous progress in accomplishing our mission.

Recreation fees play a critical role in our ability to ensure that outdoor recreation opportunities remain available, accessible, and sustainable, so that current and future generations of Americans may continue to enjoy these places of remarkable natural beauty and rich American heritage.

Recreation on NFS lands contributes about \$13.6 billion to the Nation's gross domestic product each year and supports approximately 205,000 jobs. Many of these jobs are located in rural communities and are associated with numerous outdoor industries and small businesses. One dollar invested in recreation programs yields approximately \$46 to the Nation's GDP, and NFS lands support over 5,000 outfitting and guiding operations authorized under REA, many of which are small businesses employing local citizens.

Sustainable Recreation

The Forest Service manages these recreation opportunities in a sustainable manner through appropriated funds, partnerships, alliances, volunteers, and fee retention. The authority to retain and spend recreation fees under REA is critical to the sustainability of the Forest Service's national recreation program. Under REA, at least 80 percent and up to 95 percent of recreation fee revenues must be spent at the sites where they were collected. In addition, REA enables agencies to partner with user groups, small businesses, and industries to ensure sustainable recreation practices involving a variety of resources, settings, and activities, including guided hikes, hunting trips, off-road tours, sport fishing, kayaking, and canoeing.

Fee retention authority is a critical tool that forest managers use to develop, maintain, service, and protect high-priority and heavily used recreation sites and visitor centers that are enjoyed by millions. Often located near urban centers, small towns, and rural communities, these heavily used sites have become our Nation's backyard for outdoor experiences. Over 240 million Americans live within 100 miles of a National Forest or Grassland. These recreational sites introduce millions of Americans to the natural splendors that surround them.

Recreation fee revenue generated under REA constitutes about 20 to 25 percent of the recreation budget. Recreation fees have made a huge difference in the Forest Service's ability to improve sites and repair deteriorating facilities. Investments are made in some of our most heavily used recreation sites to enhance public services, provide health and safety benefits, and mitigate impacts on cultural and natural resources. However, the revenues generated under REA do not fully cover the cost of maintaining and servicing these sites. Appropriated dollars, volunteers, and partnerships with outfitters and guides are also used to cover costs, leverage assistance, and provide in-kind services and value. Retention of permit fees under REA also helps support administration of permits for commercial recreational activities like outfitting and guiding and competitive events.

Recreation Fee Program Management

As important as REA is to the agencies testifying before you today, it is only one piece of a much larger recreation strategy. I would like to clarify REA's role in Forest Service management of recreation opportunities on Federal lands.

The vast majority of recreation opportunities on NFS lands is free to the public and offers a suite of high-quality experiences. Approximately 98 percent of NFS lands, providing recreation opportunities ranging from camping, hiking, fishing, hunting, and much more, is available to the public free of charge. There are more than 20,000 developed recreation sites on NFS lands. Of those 20,000 sites, approximately 4,000 are subject to recreation fees under REA, and approximately 2,000 are concession campgrounds that are subject to fees charged under another authority. Most of these 6,000 fee sites are campgrounds and cabin rentals, but they also include developed boat launches, picnic sites, off-road vehicle staging areas, developed swimming areas, developed recreation sites at trailheads, and target ranges.

There are approximately 6,000 trailheads in the National Forests that lead to nearly 160,000 miles of trails. While maintenance of trails can be costly, most trailheads the Forest Service manages, about 85 percent, are not subject to any fees despite substantial investment in these sites. Fees may be charged only when a site has the amenities required under REA. These amenities are provided to meet public need and convenience, address public health and safety concerns, and protect sensitive natural and cultural resources.

The ability to retain fees locally is beneficial to both the American taxpayer and to the recreation user. When a recreation user agrees to share in the cost of managing our most heavily used facilities and services by paying a fee, it not only helps create a stewardship ethic, but also reduces the burden on taxpayers to maintain these sites. Recreation fees also give Forest Service managers more flexibility with regard to expenditure of appropriated dollars to manage the vast majority of NFS lands at no additional cost to the public.

Finally, the Forest Service is seeing increased use at our developed sites. Data from over 70 National Forests collected in a recent National Visitor Use Monitoring Survey show that the number of visits to campgrounds rose by more than 2.5 million from 2005 to 2012.

Accountability

USDA is committed to working with this committee, National Forest visitors, and the American public to ensure transparency and accountability in operation and management of the recreation fee program. Since enactment of REA, the Forest Service has developed numerous tools to assist National Forests in implementing the statute, including standardized signage, fee proposal tools and templates, national reporting tools, financial tools, and training to ensure funds are tracked and spent in accordance with REA. Local Forest Service managers evaluate how to spend recreation fee revenue site by site, depending on the condition of facilities and public needs and desires.

In 2011 the Forest Service started reviewing all recreation fee proposals at the national level. National review enhances consistency of recreation fee proposals with regard to public involvement, establishment of specific types of fees, and other aspects of implementation. This represents a few of the changes the Forest Service has implemented to ensure compliance with REA.

The Forest Service also began implementing a point of sale (POS) system in 2011, which enhances customer service and convenience by allowing use of credit cards. The POS system will increase internal efficiency and the agency's ability to track collection of recreation fee revenues. The POS system is being implemented in phases, beginning with vendor sites that handle the highest volume of collections.

Comments on the Draft Bill

The Forest Service has had the opportunity to review the draft bill. The draft bill revises the existing terminology and conditions under which the U.S. Forest Service and all other agencies collect fees. The draft bill modifies the public input and participation process in the agencies' establishment of fees. It provides for additional types of America the Beautiful—the National Parks and Federal Recreational Lands Passes or Interagency Passes. The draft bill outlines a different approach to expenditure and reporting requirements for agencies while eliminating the triennial reporting process. Finally, we note the draft bill includes a 5-year sunset date.

USDA would like to work with the Chairman and the subcommittee on this legislation once the bill is introduced.

We would appreciate further discussion on retaining a national recreation reservation system for all REA agencies. The Forest Service would also like to work with the committee to make it feasible for concessioners to accept passes. Finally,

we recommend that Congress permanently authorize this program. Permanent authority provides stability for the public and enables managers to implement long projects and enter into partnerships with outfitters, vendors, and communities who benefit from the program economically.

Conclusion

Reauthorization of REA is critical to the Forest Service's national recreation program. REA has enabled the agency to provide consistently excellent recreation experiences at sites across the United States. REA has strengthened the connection between visitors and the lands they cherish by requiring that the fees they pay benefit the sites where they were collected. Thousands of projects, large and small, have been supported by REA fees since 2004. Visitors consistently comment that they are willing to pay reasonable recreation fees if they know the money will be used to improve the sites they are visiting.

REA facilitates efficiency, consistency, and good customer service by enabling interagency cooperation and public participation. The agencies strive to manage visitor contributions effectively, efficiently, and in an open and collaborative manner. The administrative and policy changes the Forest Service has introduced since 2004 demonstrate the agency's commitment to improve the recreation fee program, both in terms of customer service and good governance.

The Forest Service plans projects funded by recreation fees years in advance. Administration of the recreation fee program requires significant up-front investment to implement customer service enhancements and to ensure that the Interagency Pass is designed, produced, and distributed on schedule. The agencies work for years to develop mutually beneficial relationships with public and private sector partners at the local and national levels. Reauthorization of REA before it expires on December 8, 2015, would allow the program to continue in a cost-effective manner and without disruption of visitor services.

We look forward to working with the subcommittee and our sister agencies on developing permanent recreation fee authority. As part of that effort, we hope to enhance REA based on our experience implementing the statute, for example, by more effectively addressing public involvement and authority for amenity fees and by providing for a veterans pass.

Thank you for this opportunity to discuss the Forest Service's implementation of REA and its critical importance to sustainable recreation opportunities on Federal lands. I would be happy to answer any questions you have.

H.R. 3976, "WOUNDED VETERANS RECREATION ACT"

Chairman Bishop and members of the subcommittee, thank you for the opportunity to discuss H.R. 3976, the "Wounded Veterans Recreation Act." I am Leslie Weldon, Deputy Chief of the National Forest System, Forest Service, testifying today on behalf of the U.S. Department of Agriculture (USDA).

USDA supports the intent of H.R. 3976 to honor the service of our veterans.

H.R. 3976 would extend lifetime Federal Recreation Land Passes, also known as Interagency Passes, to any veteran with a service-connected disability as defined in section 101 of title 38, United States Code. The Department understands and shares the committee's desire to honor the service of our veterans, particularly those individuals who suffer injury or illness as a result of their service. We ask for an opportunity to work with the committee staff and the Department of Veteran Affairs to address a number of logistical, cost and other issues associated with effective implementation.

This concludes my testimony. I am happy to answer any questions you may have.

H.R. 2743, "VETERANS EAGLE PARKS PASS ACT"

Chairman Bishop and members of the subcommittee, thank you for the opportunity to discuss H.R. 2743, the "Veterans Eagle Parks Pass Act." I am Leslie Weldon, Deputy Chief of the National Forest System for the Forest Service, testifying today on behalf of the U.S. Department of Agriculture (USDA).

USDA supports the intent of H.R. 2743 to honor the service of our veterans.

H.R. 2743 would provide for a Veterans Eagle Parks Pass that would be available to any veteran who has separated from military service under conditions other than dishonorable, if the veteran provides proof of that status by presenting a DD214. That pass shall be valid for the life of the veteran for whom it was purchased. The Department understands and shares the committee's desire to honor the service of our veterans.

We ask for an opportunity to work with the committee staff and the Department of Veteran Affairs to address a number of logistical, cost and other issues associated with effective implementation.

This concludes my testimony. I am happy to answer any questions you may have.

Mr. BISHOP. Thank you, I appreciate that.

We will now turn to Ms. Haze for 5 minutes for the testimony from the Department of the Interior.

STATEMENT OF PAM HAZE, DEPUTY ASSISTANT SECRETARY FOR BUDGET, FINANCE, PERFORMANCE, AND ACQUISITION, DEPARTMENT OF THE INTERIOR

Ms. HAZE. Thank you. Good morning, and thanks for inviting me to testify on the panel. Good morning—let me start over. Thanks for allowing me to testify on the panel with my colleague from the Forest Service and the other panel members. I work in the Department of the Interior, and I work collaboratively with our four bureaus that operate the recreation programs: the National Park Service, the Fish and Wildlife Service, Bureau of Land Management, and the Bureau of Reclamation. I have a group of folks with me today who are the experts that work in this program.

First and foremost, I want to thank the Congress for extending authority for the program through December 2015. It came just in the nick of time to extend the program and allow us to accept reservations, continue important programs and projects, and support our visitors. I also want to thank the subcommittee for taking steps to reauthorize the program.

Recreation is a significant contributor to the national economy and to our programs. It is a major economic driver. In 2012, the Outdoor Industry Association reported recreation generated \$646 billion in spending each year, and supports about 6 million jobs. Recreation has many other significant benefits, as Mr. Ruiz pointed out, drawing people outdoors to learn, exercise, work, volunteer, and get other benefits.

We have over 400 million visitors to our parks, refuges, and public lands, that take their positive experiences home and benefit from the physical activity that promotes health and quality of life. Included in these visits are nearly 230 million visits to recreation enhancement sites. These visits and associated travel generate about \$25 billion in economic output, and a significant number of jobs.

Among the many visitors are military members, their families, veterans, and wounded warriors. In recognition of the need to honor the service and sacrifice of our military, in 2012 a new free military pass became available to current U.S. military members and their dependents. Beginning in 2006 and every year since, we have designated fee-free days in honor of veterans across the country. In 2013 we designated three of these fee-free days. We support the intent of the Veterans Eagle Parks Pass Act, and the Wounded Veterans Recreation Act, to recognize the contributions of these brave men and women. If the committee moves forward with the legislation, we would like to work with you closely.

The recreation fee demonstration program was established, as you know, by the Appropriations Committee in 1996. The Federal

Lands Recreation Enhancement Act was enacted in 2004. Over the course of nearly 20 years, our agencies, working closely with the Forest Service, have learned a lot about the program, and experienced implementation of the program. Through this experience we can identify four key elements of the program that should be preserved. This mirrors a lot of what Leslie just talked about.

First, the ability of our agencies to retain the fees and reinvest them where they are collected without further appropriation. This has allowed our agencies to have certainty, and be able to reinvest those programs so the visitors can see the results of the program. Visitor satisfaction surveys conducted have found that most visitors are satisfied with the level of amenities and services, and believe the fees are reasonable.

Second, the creation of an interagency program has allowed the agencies to streamline and simplify access, sustain strong partnerships, and, most importantly, provide more seamless processes for the public and the visitors.

Third, flexibility to establish fees for a range of activities allows the agencies to charge for unique services and amenities. This is a very important aspect of the program, and allows us to align our operations with the unique recreation visitor programs our bureaus have. We want to work with you on Sections 806 and 807 of the draft bill along those lines.

Fourth, and last, long-term authority, as Leslie pointed out, has allowed the agencies to keep the long view, and achieve a more seamless approach, continue to learn from our experience, including best practices, and make investments and improvements to efficiently operate the program.

The draft bill represents a thoughtful approach to continue the program. We want to work with the subcommittee to address some of the aspects of the bill, working toward long-term authority and administrative flexibility.

This concludes my statement. Thank you very much.

[The prepared statement of Ms. Haze follows:]

PREPARED STATEMENT OF PAMELA K. HAZE, DEPUTY ASSISTANT SECRETARY FOR BUDGET, FINANCE, PERFORMANCE AND ACQUISITION, DEPARTMENT OF THE INTERIOR, ON H.R. ____, H.R. 3976, AND H.R. 2743

Chairman Bishop, Ranking Member Grijalva and members of the subcommittee, thank you for inviting the Department of the Interior to appear before you today to present the views of the Department of the Interior on H.R. ____, draft legislation that would amend the Federal Lands Recreation Enhancement Act (FLREA), and on H.R. 2743 and H.R. 3976, bills that would authorize special passes for certain veterans to national parks and other Federal recreation lands.

As an initial matter, we appreciate that Congress enacted, as part of the Consolidated Appropriations Act of 2014 (P.L. 113-46), a 1-year extension of FLREA, until December 8, 2015. We believe that the recreation fee program authorized by FLREA has been a highly successful and effective program, critical to providing quality recreation amenities and services to the public. This extension allows the program to continue uninterrupted as Congress considers its reauthorization for a longer time period. We also appreciate the attention that this subcommittee has given to this important issue.

Permanent reauthorization of FLREA, as identified in the President's fiscal year 2015 Budget, will provide an important authority that allows the agencies to continue to effectively serve the visiting public, provide high-quality visitor amenities, and respond quickly to meet changing visitor demands. FLREA provides these important benefits to visitors as a result of the agencies' ability to immediately reinvest recreation fee dollars and use them, without further appropriation, for site enhancements, resource protection, interpretive programs, visitor safety, and other

vital services and improvements. We refer the subcommittee to our June 18, 2013, testimony for additional details on how FLREA has benefited the Federal land management agencies and the visiting public.

H.R. ____, Amendments to the Federal Lands Recreation Enhancement Act

H.R. ____ amends FLREA in a number of ways. Among other changes, the draft bill revises the terminology and conditions under which the Bureau of Land Management (BLM), the U.S. Fish and Wildlife Service (FWS), the National Park Service (NPS), the Bureau of Reclamation (Reclamation) and the U.S. Forest Service (USFS) collect fees (identified as day use, entrance, recreation, and special recreation permit fees). The draft bill modifies the processes for ensuring public participation in the agencies' establishment of fees. It provides for additional categories and types of the America the Beautiful—National Parks and Federal Recreational Lands Pass. The draft bill also amends the expenditure and reporting requirements for agencies. Finally, the draft bill provides that the authority of the Secretaries will sunset 5 years after the date of enactment of the Act.

The draft bill represents a thoughtful approach to addressing many of the issues and concerns that have been identified by the Administration and by stakeholders regarding implementation of FLREA. This testimony reflects our initial review of the draft bill. The Department may provide additional views on this legislation after the bill is introduced and after conducting further analysis. The Department looks forward to working with subcommittee on this important issue.

We believe there are several core elements of the recreation fee program authorized by FLREA that have contributed to the success of the program,¹ and that each of these core elements should be contained in any reauthorization of FLREA. One element is the ability for agencies to retain fees, and reinvest fee dollars where they are collected without further appropriation. This element of the program has ensured visitor support for the program. Visitor satisfaction surveys conducted in the past 3 years by BLM, FWS, NPS, and USFS also have found that the vast majority of visitors (about 90 percent of respondents) are satisfied with the level of amenities and services provided at FLREA sites and believe that the recreation fees they pay are reasonable.

A second core element is the creation of an interagency program. By providing a single recreation fee authority for the agencies, FLREA has enhanced customer service, efficiency, and consistency in fee collection and expenditure and establishment of national fee policies, such as fee-free days, and the creation of the successful Recreation.gov Web site. The recreation program has improved coordination among agencies which benefits the visiting public—making recreation sites more accessible and information easier to find. Furthermore, while ensuring coordination, FLREA acknowledges and allows for differences among the agencies. This is important because the agencies have different missions, and are unique in the services they provide to the public and in the services the public expects from the agencies.

The administrative ability to establish recreation fees for a range of activities, including flexibility to charge for unique services or amenities and new emerging amenities that could benefit visitors, is a third core element of the success of the recreation fee program. In setting any fees, the agencies seek the public's input, and there are protections in the FLREA program to ensure there are no disadvantages to the local communities. Each agency has developed policies consistent with FLREA to ensure that the public receives notification about agency proposals and has an opportunity to provide input to agencies as they consider new recreation fees and changes to existing recreation fees.

A final core element of the success of the recreation fee program is long-term authority. Knowing that a program is not likely to change every few years provides certainty to visitors, and enables the agencies to efficiently implement the program and to manage multi-year projects that improve visitor safety, experience and opportunities. This element also allows for the development of key partnerships with outfitters, other vendors, and communities that rely on the economic benefits of visitation and investments made by the agencies. and to provide key programs.

The draft bill appears to contain many of these core elements, such as authority for an interagency program and the ability of agencies to retain and reinvest fees at the sites where they were collected. However, we note that it does not appear to provide for long-term authority, or for administrative flexibility for agencies.

With respect to a long-term authority, Section 820 of the draft bill includes a 5-year sunset date. We recommend that Congress permanently authorize this pro-

¹ See the Triennial Report to Congress, Implementation of the Federal Lands Recreation Enhancement Act, May 2012, http://www.doi.gov/ppa/upload/FLREA_Triennial_Report_2012_FINAL.pdf

gram. Permanent authorization would not preclude the Congress from ongoing oversight of the program, and the agencies have consistently submitted reports of their activities to Congress. With respect to administrative flexibility, Sections 806 and 807 of the draft bill identify and limit the types of activities for which the agencies could establish fees for or authorize under FLREA. We are concerned that, as written, the draft bill may preclude agencies from permitting or charging fees for certain well-established recreational events and activities currently authorized under FLREA. We also seek clarity on the relationship between the prohibitions and fee authority set forth in the draft bill and on the factors to be considered in determining fees, to enhance consistency and effectiveness in the agencies' implementation of the recreation fee program.

We look forward to working with the committee on appropriate language to ensure that the agencies will be able to effectively and efficiently manage the breadth of activities that occur on the lands they manage and provide for the diverse current and future recreational needs of the public, and to provide other clarifying and technical amendments.

H.R. 2743, Veterans Eagle Parks Pass Act and H.R. 3976, Wounded Veterans Recreation Act

H.R. 2743 would make the America the Beautiful National Parks and Federal Recreational Lands Pass available at a discount for life to any veteran who was separated from military service under conditions other than dishonorable, if the veteran provides proof of that status by presenting a DD214. H.R. 3976 would also make the America the Beautiful-National Parks and Federal Recreational Lands Pass available for the lifetime of the passholder for any veteran with a service-connected disability, as defined in section 101 of title 38, United States Code.

The Department supports the intent of these bills to honor the service of our veterans. Men and women who have served in the armed forces have made tremendous contributions to this country, and we honor their service. In 2006, the agencies established the first fee-free day in honor of veterans at recreation fee sites across the country. Every year since 2006, the agencies have established at least one fee-free day to honor veterans. In 2013, for example, the agencies established 3 days—Veterans Day and the two weekend days before it—as fee-free in honor of veterans.

In 2012, the agencies announced a free military version of the America the Beautiful National Parks and Federal Recreational Lands Annual Pass for current members of the military and their dependents. Although this military pass is not available to veterans, many veterans are eligible for other discounted passes, such as the Senior Pass granting lifetime access to U.S. citizens over 62 for \$10, and the Access Pass granting free lifetime access for permanently disabled U.S. citizens.

With the military pass, the fee-free days in honor of veterans, and the eligibility of many veterans for the Senior Pass or the Access Pass, we believe that the agencies are providing honor and recognition for the men and women who are serving or who have served our Nation in the armed forces. If the committee moves forward with this legislation, we would like to work with you and the USFS and Department of Veterans Affairs to address a number of logistical, cost and other implementation issues associated with a special pass for veterans.

Conclusion

In addition to drawing people outdoors to learn, exercise, work and volunteer, outdoor recreation is a significant contributor to the national economy and the economies of communities that surround the lands we manage. It is important that we make recreational opportunities available in communities across the Nation, to promote health and fitness, engage our youth, and inspire the next generations to conserve and protect America's precious resources. In 2012, the Outdoor Industry Association reported that recreation activities generate \$646 billion dollars in spending each year, and support 6.1 million jobs. In particular, the approximately 383 million visits to DOI-managed lands in 2011 contributed an estimated \$42.3 billion in economic output to the surrounding economies through trip-related spending. The approximately 230 million visitors to FLREA sites in 2011 contributed an estimated \$25.2 billion of the \$42.3 billion total. Recreation-related spending on DOI-managed lands supported an estimated 352,000 jobs in the communities surrounding Federal lands, of which an estimated 210,000 are related to FLREA visitation.

With revenues from the recreation fee program, the agencies have been able to implement thousands of projects that directly benefit visitors. These projects support public safety, maintain recreation sites, provide eye-opening educational experiences, build informational exhibits, fund interpretive programs, engage youth, and leverage other funding sources to stretch each visitor's dollar further. The recreation fee program sustains a significant portion of the Department's youth programs,

which enable us to increase the engagement of younger generations in the outdoors and develop an awareness of public resource stewardship. In addition, the recreation fee program has supported the Recreation.gov Web site, which provides convenient, one-stop access for those making reservations, securing permits, and building itineraries for travel to Federal recreation sites across the United States. Nearly 3.5 million reservations were made in FY2013.

The Department supports the recreation fee program and has found that FLREA facilitates efficiency, consistency, and good customer service by enabling interagency cooperation and public participation. Recreation fee authority is a vital component of our Department's ability to serve as effective stewards of the Federal lands we treasure.

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

Mr. BISHOP. Thank you. I appreciate you being here. We will now turn to Brian Merrill, and the same thing, 5 minutes.

We recognize you, appreciate you being here, thank you.

**STATEMENT OF BRIAN I. MERRILL, WESTERN RIVER
EXPEDITIONS, MOAB ADVENTURE CENTER**

Mr. MERRILL. Thank you, Mr. Chairman and members of the subcommittee. I appreciate the opportunity to be here. We are an outfitter that operates river trips, off-road tours, and hiking tours in the State of Utah and in the Grand Canyon. FLREA is the authority under which we are issued permits by the Bureau of Land Management for many of our Utah trips.

I am in favor of reauthorization of FLREA, but with some caveats that I will detail in my testimony. I am concerned about some provisions that could prove to be financially difficult for our industry, and, in some cases, be unsustainable.

I think I support the second reason the Chairman defined for fees, in that I believe there should be a narrowly defined list of things for which fees can be used, and they should be logically connected to the users of that resource.

In general, the ability for the agencies to collect fees is important, and I agree with that, and I have some slides—very few—just to show you some of the things that they get used for in our areas.

As I said here, sometimes all that is needed is to smooth out a little bit of dirt. The next slide will show a busy day at Sandwash Boat Ramp in Desolation Canyon on the Green River in Utah.

[Slide]

Mr. MERRILL. Sometimes when the water gets high and moves stuff around you get a big berm there, so they just need to come in and smooth out some dirt. That is what—and fees might get used for something as simple as that.

[Slide]

Mr. MERRILL. The next—and then sometimes, like in Westwater Canyon, we have a full-on paved ramp. So that was super exciting. There is an example of the work there. The next slide will show you the ramp, finished.

[Slide]

Mr. MERRILL. These are the kind of things that make our life a lot easier, the kind of things we worry about in the outfitting business. The next slide?

[Slide]

Mr. MERRILL. Sometimes it is about comfort and convenience. That is what they call a bug hut. At Desolation Canyon, when the water gets high, there are a lot of mosquitos on the Green River, unfortunately. But mostly just at the beginning of the trip. So, people can reserve those bug huts, and they are very much appreciated and very much used, and are an example of a really good use of the fees generated by FLREA, I believe.

Then I think you just have one more.

[Slide]

Mr. MERRILL. So, that is the end of a ramp at the end of our Green River trip. As you can see, it has become a hazard for feet and ankles. They are going to spend some fee money this year to change the lip of that thing to make it a little safer. I think that is all I have, in terms of slides. But I just wanted to show those examples of how fees are being used, and how I think they ought to be used.

Boy, this 5 minutes goes fast, doesn't it?

[Laughter.]

Mr. MERRILL. There is another provision in the bill about which I am excited, and it is the stewardship credits pilot program that is talked about in there, the idea that outfitters could get bonus points, if you will, for doing work on public lands, helping to maintain trails, particularly. Our Forest Service outfitters in our organization will be particularly happy with that.

My worries in the bill have to do with many of the exemptions that are spoken about in there. They are pretty broad and undefined. I worry that they will become too great. While there are certainly examples where exemptions from fees are important or appropriate: not having to pay a few to go into the attractions here on the National Mall I think is a good idea, the veterans that we are talking about earlier I think is a good idea, and there will always be groups that may not be able to afford fees and are worthy of an exemption. But I would say that most groups are not, and that a user is a user.

We look at a person traveling with an outfitter, a person traveling on their own, a student, they have the same impact on the resource, and they should all be required to pay fees, unless they have a really compelling reason. So I think that list of exemptions needs to be really narrowly defined.

I will let Mr. Brown talk about the cost recovery concerns I have; he will do a better job of it than I will.

I just want to make one more point, that there is cost sensitivity in our industry. We are probably at the limit of where we can be, in terms of fees that our guests pay. If they get any higher, then it will start affecting our ability to operate trips, because people won't be able to afford it. The margins in our industry, recent studies show that our—the average profitability margin for our industry is about 6 percent. So we are small family businesses. We can't afford to pay a lot more in fees.

So, anything the legislation does to keep the definition of fees and the use of fees limited, and keep them from getting used for a lot of things that are beyond the scope is appreciated by our industry.

Thank you.

[The prepared statement of Mr. Merrill follows:]

PREPARED STATEMENT OF BRIAN I. MERRILL, CEO, WESTERN RIVER EXPEDITIONS,
SALT LAKE CITY, UTAH

Mr. Chairman and members of the committee, thank you for the opportunity to testify on issues that are important to my company and to the future of outfitted guide services all across the country.

The Federal Lands Recreation Enhancement Act (FLREA) is the authority under which my company holds Special Recreation Permits issued by the Bureau of Land Management. These permits allow us to lead guided rafting trips on the Green and Colorado Rivers in Utah as well as guided off-road and hiking tours. The Act also defines fees that the BLM charges pursuant to our permits and to each individual user of the resource, whether they travel on their own or with a professional guide.

When I was invited to testify at this hearing, I fully intended to advocate for the reauthorization of FLREA. Obviously, the ability of the BLM to issue our permits is critical to our business. Without the permits, we have no business. At the same time, the ability to collect fees is important so the BLM can build and maintain facilities related to what we do.

As I read through the legislation, however, I am concerned about certain provisions that could prove financially devastating to a business like mine. If those concerns are resolved, I will again be fully supportive of the Act's reauthorization.

Let me start with the positives:

In general, the ability of the agencies to charge fees for the use of the resources they manage is a good thing. There are certain facilities and amenities that are logically paid for by fees collected from users. I'll show photos of some examples.

The provision in Section 811 that allows 80 percent of fees collected at a specific site to stay with that unit or area is critical. I believe that 100 percent of the fees should stay local.

The increased level of reporting outlined in Section 813 is welcomed. This will go a long way to making sure the program gets administered effectively and will give the public the tools it needs to comment intelligently when public input is solicited.

The public participation process included in Section 808 is a positive feature. This combined with the reporting provisions will create the accountability and transparency that the program needs.

The "Stewardship Credits" pilot program explained in Section 807(d) will be welcomed by outfitters. Many outfitters are eager to help out by clearing trails and performing other acts of service that benefit the resource. They also possess the required skills and training necessary to perform such work. However, this work is done at their personal expense and in some cases they are not even allowed to do it. This provision creates a partnership between the outfitters and the managing agency that will greatly benefit the resource. It also provides the incentive needed for the outfitter to perform the work.

My concerns with the draft legislation are as follows:

Sections 804 and 805 provide an exemption from fees for certain educational groups. I fear that the burden of administering a program that serves a large number of visitors will be borne by relatively few of the users, namely the professionally guided public. We are the easy target, and the assumption is often that the commercially guided guests and the companies that provide guided services can afford it. That is not true.

The fact is that a user is a user when it comes to resource impacts. A person participating on an educational trip does not step or float or camp more delicately than a person on a guided trip. While there are compelling reasons to create some fee exemptions such as those granted to NPS attractions here on the Capitol Mall, the mere fact that a trip has an "educational" purpose does not make its participants more worthy of consideration than anyone else. It is also true that there may be some individuals or groups for whom fees create a financial barrier. Any language accommodating these users would need to be narrowly crafted to not include all educational or non-profit groups because an exemption for most groups is not warranted.

I am also concerned about the "cost recovery" language contained in this bill. Up until now, cost recovery has been limited to a narrow range of activities such as the building and maintaining of facilities. The draft bill proposes expanding the activities to such things as natural and cultural resource monitoring, and restoration. These are activities that, if fully funded by the collection of user fees would price every single user out of the resource.

Natural and cultural resource monitoring is a bottomless pit of need. For example, in Utah we are in the middle of a discussion regarding the potential listing, as an endangered species, of the Western Sage Grouse. Potentially, the cost recovery for monitoring something like this could be funded through fees. The outfitted public cannot be expected to pay the bill for an endless list of endangered species monitoring.

FLREA allows fees to be used for trail maintenance, but the backlog of trails that need to be maintained in the National Forests alone is so immense that much more creative methods of accomplishing the work and funding the work are needed. For example, a portion of the money collected through the Land and Water Conservation Fund could be used for trails. Another idea would be to utilize fire crews during those times when they are not needed to fight fires. These other sources of trail maintenance revenue and labor combined with the "stewardship credits" mentioned previously would reduce the pressure to increase fees through FLREA for the funding of trail maintenance.

Western River Expeditions pays permit fees equal to 3 percent of its gross receipts. We also collect and remit a per-head, "special area fee" on those trips where there is one clear access point. For example, we collect and remit \$10 per person for a single day trip that we operate through Westwater Canyon on the Colorado River. We also collect and remit a \$25 per person, special area fee for a multi-day trip we operate through Desolation Canyon on the Green River.

Our experience has been that our local resource areas do a good job of collecting and properly using these fees. However, if the door is opened allowing the use of fees for a much broader list of activities, the temptation will be to continue ratcheting the fees up to pay for things that are not logically connected to the use and enjoyment of the specific resource.

In Desolation Canyon, which is administered by the Price, Utah Resource Area of the BLM, the river program relies on fee money from outfitters and private boaters to provide the opportunity for a high quality, primitive recreation experience. Examples of facilities that have been built and maintained with fees include: boat ramps, bathrooms, mosquito huts, signs, picnic tables, fire rings, and interpretive displays. Fees are also used to fund seasonal river rangers, transportation costs, a recreation planner, and river patrol equipment. Contracts with private companies for services such as: garbage collection, toilet pumping and water hauling are also funded with fees.

An example of a project that will be completed in 2014 is the improvement of the Swasey's boat ramp where we end our trips. This particular improvement is important because it currently presents a hazard to feet, ankles and equipment. The river program largely supports itself from fee money generated through permits and commercial use fees.

In Westwater Canyon, the special area fee was recently increased from \$7.00 per person to \$10.00. If you read the business plan for Westwater, you will see that "full cost recovery" would have resulted in a \$15.00 per person fee. We are thankful that the Moab Resource Area chose to show restraint in their fee increase, but as appropriated money becomes increasingly scarce, the inevitable increase in fees will begin to have a real impact on the ability of the general public to enjoy the resource.

The fees I've described probably seem fairly reasonable; however, fees currently represent nearly 10 percent of the cost of our trips. For commercial trips, we already experience price sensitivity, so merely increasing the price would most certainly cause us to lose business. Add to that the fact that outfitting and guiding companies are small, family run businesses with very slim profit margins and it becomes clear that businesses cannot merely absorb these costs.

A recent survey of our industry conducted over the last two seasons indicates that the average profit margin for an outfitting business is around 6.5 percent. Even little changes that increase our costs are significant.

It is my hope that changes to provisions I have mentioned here can be made before formal introduction of this legislation.

Mr. BISHOP. Thank you, Mr. Merrill. We will keep you there for questions.

We will now turn to Mr. Brown for 5 minutes.

**STATEMENT OF DAVID BROWN, EXECUTIVE DIRECTOR,
AMERICA OUTDOORS ASSOCIATION**

Mr. BROWN. Thank you, Mr. Chairman, Ranking Member Grijalva, members of the subcommittee. We appreciate the attention that you are giving to this important issue, which will affect the future of recreation on public lands for years to come.

As you know, we are a national trade association of outfitters and guides. There are about 60,000 full- and part-time jobs in outfitting that will be affected by this legislation. So it is very significant, both economically and to the social fabric of our Nation.

We certainly support reauthorization of the Federal Lands Recreation Enhancement Act in principle, but do have some issues with the current draft that would prevent us from supporting it. I know you have mentioned there are going to be changes, so we look forward to that.

I have offered a number of changes in my testimony; I have three pages of changes which I will refer you to. Not going to go over all those in my testimony, because we don't have time. But I do want to offer a couple of perspectives and, as you are considering changes to the bill, and even another option that will enable rapid reauthorization of FLREA.

One of our biggest concerns of the cost recovery and requirements in Section 807 of the draft language which are unsustainable for outfitters and guides, at a time when we should be streamlining permitting—permit processing and administration, Section 807 adds new complications, regulatory burdens, and costs that would threaten the viability of outfitters on public lands. We had 12 national and State outfit organizations sign a letter that express concerns about that provision.

Let me offer some other observations on some of the potential unintended consequences of the proposed changes. The bill, as written, revises the fee structure. It eliminates fees that have original—in the original law. The currently enacted amenity fees are eliminated, replaced by day use fees and focus a lot of the fee revenue on permit fees.

For back-country recreation, most of the users don't have permits. So that pretty much takes them off the table for paying fees, which may be intended, but it—that, in essence, focuses most of the potential for fee revenue onto the outfitted public to cover all of the costs that are outlined in Section 807, which I think are going to be too expansive to bear. They include infrastructure, maintenance, monitoring, law enforcement, even some general forest management goals that are outlined in the recently changed forest planning rules related to focal species monitoring, monitoring of watershed health. I mean that is what, basically, is defined as “monitoring” in the Forest Service. So, we have some concerns about the breadth of the cost recovery language in Section 807 that definitely needs to be looked at.

I also have concerns about—it seems like the number of exemptions are expanding. Section 806(b) has changed from the previous bill, and looks like, to me, it would create problems, or certainly uncertainty for the agencies in who was exempted from fees for access and for certain activities.

So, while there are some challenges with implementation of the existing amenity fees, I do think that those could be dealt with by oversight. Perhaps one suggestion you may want to consider is not restructuring the fees, but improving the existing fees in the law. In other words, not making the changes to the fee structure that are in the proposed draft.

I think if this process becomes bogged down, one alternative is to extend the current law. We have done that already, and it got through the Senate. So I think that is an option. Then I think that your oversight is very important for implementation of this program, whether or not there are changes made to it or—because I think the—if you would do annual oversight of the fees, how they are being used, where there are problems, I think the agencies very often respond, and you can make incremental changes to the fee authority as necessary, rather than revising the whole fee structure, as proposed in the draft.

So, I will be happy to answer any questions about the changes that I proposed, or you know, this position. We do advocate rapid reauthorization, and would like you to consider our comments, both written and oral. Thank you so much.

[The prepared statement of Mr. Brown follows:]

PREPARED STATEMENT OF DAVID L. BROWN, EXECUTIVE DIRECTOR, AMERICA
OUTDOORS ASSOCIATION ON H.R. ____

Mr. Chairman and members of the subcommittee thank you for taking the time to consider the concerns and issues that are necessary to improve the draft reauthorization of the Federal Lands Recreation Enhancement Act (REA). The time you are spending on this legislation is crucial to the future of outdoor recreation. Your efforts are very much appreciated.

America Outdoors Association is a national, non-profit trade association representing the interests of outfitters and guiding companies, most of which operate on federally managed lands and waters under permits authorized by REA.

This is complex legislation. Since REA is the authority under which outfitter and guide permits are currently issued and those permit fees retained by agency units, America Outdoors Association members and our State affiliate organizations are hopeful that we can eventually support reauthorization of this authority. However, we cannot support passage of the discussion draft circulated prior to this hearing. My testimony today will focus primarily on the provisions in this legislation which impact backcountry recreation. The draft bill is unsustainable from a financial standpoint for holders of outfitter permits under Section 807. I will offer some solutions which enable the agencies to collect and retain reasonable recreation fees to support quality services and experiences for the public.

The provisions of this bill in many ways reveal the increasing costs of managing recreation on Federal lands and why we need to work on the cost side of the equation and not just on the funding side.

SEC. 807 requires permit holders, primarily outfitters and guides, organized groups, special events and motorized recreationists, to cover some or all of the costs for

- (1) trail and facility construction;
- (2) maintenance;
- (3) natural and cultural resource monitoring;
- (4) restoration;
- (5) emergency response and law enforcement;
- (6) signage and user education;
- (7) permit administration.

Since most self-guided, backcountry recreationists are exempted from fees in the draft legislation, except in a handful of areas, these burdens would fall mainly on the outfitted public and their service providers. Outfitter permit holders would be saddled with the costs for trail maintenance, monitoring of natural and cultural resources, restoration, signage, law enforcement and user education for all users in

most areas. In 2012 the Forest Service estimated that its trail maintenance backlog totaled \$314 million, which is beyond the financial viability of recreation permit holders and their customers. Outfitted use in wilderness usually amounts to around 15 percent or less of overall use, so the fees to support recreation for other users would largely be levied on the outfitted public.

Recreation.gov lists only 26 areas where the Forest Service and National Park Service collect permit fees from the self-guided (noncommercial), general public for backcountry uses. Fourteen areas are in National Forests. A few other areas charge permit fees for self-guided users which are not listed on recreation.gov, including a few rivers managed by the Bureau of Land Management (BLM), but few non-commercial backcountry users would share the cost recovery burdens listed in SEC. 807.

Several of the items under the cost recovery provision in SEC. 807 are defined in the April 9, 2012 Final National Forest System Land Management Planning rule. This rule provides evidence as to why the costs in SEC. 807 cannot be separated among uses or users or sustained solely by the outfitted public. For example, "natural and cultural resource monitoring" and "restoration" are very broad in scope as identified in the Forest Service rule. Forest plans are required to include "monitoring of select ecological and watershed conditions and focal species to assess progress toward meeting diversity and ecological sustainability requirements." This same planning rule requires Forest plans to include in their "maintenance" and "restoration" goals, the requirement "to provide for the maintenance or restoration of the ecological integrity of terrestrial and aquatic ecosystems and watersheds in the plan area."

These issues, impacts and costs, which are covered in SEC. 807, are often indistinguishable among users and uses, not to mention the impacts of natural disasters. They should be programmatic and not transferred to a small number of permitted visitors whom the agencies will find convenient to isolate and exploit for revenue. The construction and maintenance of public facilities and trails are also programmatic costs, which should not be borne solely by permit holders.

The threat of cost recovery for permit administration required of small businesses cannot be dismissed. The Forest Service acknowledged the threat to small businesses in its final cost recovery rule in 2006 when it stated: "The Forest Service has prepared a cost-benefit analysis of the final rule, which concludes that the final rule could have an economic impact on small businesses if their application or authorization requires a substantial amount of time and expense to process or monitor. These entities could be economically impacted, for example, when they apply for agency approval to expand or change their authorized use, or when an expired authorization prompts them to apply for a new authorization to continue their use and occupancy, and the application requires a substantial amount of time and expense to process."

In a few areas cost recovery has been implemented appropriately. However, the risk of runaway analyses is ever present when permits are up for renewal. Permit holders are basically required to sign a "blank check" agreement to cover the costs, even when those costs may be well beyond their means. These permitting processes should be streamlined following the model used in SEC. 603 of the recent Farm Bill (H.R. 2642), which authorizes categorical exclusions for forest restoration thinning projects. Likewise, permitting new outfitted activities on public lands is prohibitively expensive for both the BLM and the Forest Service. We had hoped the bill would include some streamlining of those processes by authorizing the use of programmatic Environmental Assessments and Categorical Exclusions in certain circumstances.

Permit fees should be dedicated first to permit administration and then to other uses in consultation with the permit holders. We do not believe the costs to construct recreation facilities and trails for the general public, forest restoration, emergency response, or law enforcement are appropriate costs to be paid by recreation permit fees since self-guided users are not required to have permits in most areas. Those agency actions benefit the public at large and are more appropriately paid by day use fees, recreation fees, or other sources of funding including appropriations, which provide a broader base of funding than permit fees. Outfitters may be subject to one of these alternative fees as well to support some of these costs.

SEC. 806 of the draft authorizes and promotes agency-led tours, services and equipment rental, which could compete with the private sector, without any of the similar permit or cost recovery obligations in SEC. 807. Nor are these agency services required to carry or pay for liability insurance. Some of these activities were authorized in the previous version of the legislation. Not all are objectionable to us. But these agency-led programs have begun to expand with the launch of the inter-

agency reservation service, recreation.gov. The agency activities authorized by the legislation include

- guided walks, talks and tours,
- rental of stock animals, boats, equipment, cabins; and
- services where specialized equipment is required for programs of substantial length.

We do appreciate the Stewardship Credits proposed in SEC. 807. It is a step in the right direction. We offer ideas on expanding that program in our suggested list of changes.

We also appreciate the public participation provisions in SEC. 808 and the reporting requirements in SEC. 813, especially the provision to annually report how fees are being spent. SEC. 808 should include a provision that authorizes a public meeting on fee expenditures at each unit so that questions can be asked and input taken on the use of fees. Such a meeting should not be mandatory if there is no interest. An example of why such a meeting would be of value is included in our suggestions for changes to the draft.

While we do understand the importance for this authorization to sunset, a 5-year sunset may be too short. The agencies also need specific legislative authority to issue permits with terms beyond whatever sunset date is in the final bill or they may not issue them for fear their fee authority will expire during the term of the permit. We suggest a 10- to 15-year sunset provided the Congress conducts routine oversight hearings on implementation of this legislation.

As previously mentioned, we had also hoped this legislation would help resolve the near lockdown that currently exists on Federal lands with regard to new or expanded outfitter services. If the Congress wants the private sector to be involved in providing outfitting services in Forests, Refuges and on BLM lands, it has to provide the agency with the authority to streamline the required permitting processes. These changes would enable the agencies to open areas to new uses and enable existing service providers to adapt to changing markets.

The following modifications and additions to this legislation are offered for your consideration with the understanding that some of these suggestions may be more appropriate for other legislative initiatives.

1. Because about 8,000 outfitter and guide special recreation permits are issued by the Forest Service and BLM, the outfitter and guide special use permitting authority deserves its own Section in the legislation, which will enhance the clarity of this legislation instead of mixing that authority and those fees with other uses and users. We estimate that at least 60,000 full- and part-time jobs are at stake in rural areas just among Forest Service, BLM and Fish and Wildlife Service permit holders.
2. All the costs in SEC 807(b) should not be attributed to permit fees for outfitting and guiding. Permit fees should be held in a special account for permit administration first and foremost. Permit fees should be allowed to accumulate to help cover the cost associated with permit processing when permits expire. Permit holders should be consulted before those fees are used for other purposes or to benefit other uses. Fees to cover some or all of the costs for restoration, monitoring of biological and cultural resources, and similar items should be removed from SEC. 807.
3. A fee other than a permit fee should be considered to support maintenance of trails, facilities, user education and similar costs, but it should be applied to all users or to none. Perhaps, the Recreation Fee Section could be broadened so that a fee could be collected from anyone using a resource or facility which requires oversight, construction of specific facilities, and maintenance if the fees are reasonable, cost-effective and benefit the user base paying the fees.
4. The exemption from recreation fees for a wide range of uses in SEC. 806 is confusing and muddies the water. This exemption is so broad and ill-defined, the courts are likely to be the agent determining which if any fee these recreationists are subject to, including fees for use of facilities that provide "access" to rivers or permits which provide "access" since these users are exempted (by this Section).
5. We believe that restoration and ecological monitoring are general management obligations, inseparable among various users and natural events and should not be subject to fees.
6. Streamline permit documentation. Authorize the use of Programmatic Environmental Assessments (EAs) for recreation uses and activities to include

the self-guided and outfitted portion of those uses. The BLM and National Park Service already use this strategy to some extent. The goal should be to enable these EAs to reduce some of the site specific documentation requirements when permits are issued. Categorical exclusions should be authorized for routine renewal of existing uses even in the presence of extraordinary circumstances when there is a finding of no significant impact. Lawsuits by those opposed to commercial outfitting activities have made the Forest Service gun-shy about using categorical exclusions in these circumstances; therefore a specific legislative authority would be helpful. We need to find ways to encourage efficiency in permit administration and NEPA documentation to enable these permits to be issued cost effectively. Five or six outfitters simply cannot bear the costs of a 700-page Environmental Impact Statement, as was done to authorize six outfitters to take 1,200 people per year into the Pasayten Wilderness. The Forest supervisor later decided the EIS was inadequate and withdrew the Record of Decision to issue the permits after the agency spent hundreds of thousands of dollars on the process for six permits.

7. We strongly recommend that Congress mandate what constitutes a valid assessment of need for commercial services in designated wilderness. This provision will help free the agencies from the fear of litigation. The Forest Service should eliminate these assessments of need in non-wilderness areas because there is no statutory basis or funding. In response to lawsuits challenging the need for commercial services, the agencies have to perform assessments of need for those services. The Act states: "Commercial services may be performed within the wilderness areas designated by this Act to the extent necessary for activities which are proper for realizing the recreational or other wilderness purposes of the areas." Therefore, the assessment must also determine the extent of that need and the degree to which it impairs wilderness values. But the standards for documenting this need for commercial services are not established or standardized among the agencies. Therefore, it should be mandated.
8. In order to provide more flexibility to accommodate new recreation services, reinstate 1-year temporary permits for new types of outfitted uses. BLM currently has no temporary permit authority. The Forest Service has a temporary permit, but for only 200 service days. These temporary permits should include operating plans, performance reviews, fees, and utilization requirements similar to longer term permits. There should be a cost effective strategy to convert these permits to longer-term permits. Categorical exclusions are already authorized for temporary uses, which will make issuance of these permits feasible. These permits can be issued when the ranger does a simple assessment that the capacity is available for the new activity. Uses should be allowed to re-occur for up to 3 years. This authority should not be used to extend existing permits or for existing permitted activities unless there is unfilled need for those services.
9. The provisions that are in the original REA authority, which prohibit additional charges for road use and monitoring for endangered species, should be reinstated. Permit holders should not be charged road use fees unless other users are also charged. Permit holders are often the minority users of roads but would likely be billed for all or most of the cost for road maintenance for every user. The same concern applies to fees for biological monitoring for endangered species since many other non-permitted users frequent these recreation areas.
10. For trips or recreation services which cross agency boundaries, provide legislative authorization for one agency permit to be issued to cover uses on the lands and waters of both agencies.
11. Provide the BLM and the Forest Service with the authority to concession-out, non-essential facilities for recreation services for permit terms sufficient to justify and attract the capital necessary to make them viable for commercial services. The BLM does not currently have this authority. The Forest Service has it but does not use it very often.
12. Mandate that permit fees be based only on the activities on Federal lands. Currently, the Forest Service bases permit fees on the entire cost of the trip, including activities that occur on private land, essentially taxing activities and services outside National Forests. The Forest Service was ordered by the U.S. District Court in Alaska to stop using this basis for fees (*Tongass Conservancy v Glickman*), but the practice continues as official agency policy outside the Alaska Region.

13. The requirement for prior approval of the exemption from day use fees for education institutions is important. We also suggest limiting that fee exemption strictly to activities in pursuit of course credits so that adult continuing education recreational activities and similar programs are not inadvertently exempted from fees.
14. Provide clear authority for expansion of the pilot program for stewardship credits or begin contracting with outfitters for river and trail maintenance. We suggest including the goal of reaching 40 units by the end of year three and providing some form of reimbursement to ranger districts from fee revenues for fee credits if that strategy is adopted. There is also a new contracting authority (Sec. 8205. Stewardship end result contracting projects) for road and trail maintenance for the Forest Service in the Farm bill which may be considered if some source of funding is available.
15. Consider use of the Land and Water Conservation Fund for the backlog of trail and facilities maintenance. While this authority is probably not within the domain of this legislation, we believe it is an important piece of the puzzle for future legislation when the Land and Water Conservation Fund is up for reauthorization.
16. Limit the agencies' authority to provide fee-based services directly to public when those services can be provided by the private sector. We suggest clarification on what types of tours are authorized by this legislation in SEC. 806(b) and that they be limited to interpretive walks and hikes where outfitting or specialized equipment are generally not required. If cost recovery provisions are authorized for outfitter permits, those same cost recovery provisions should apply to the services agencies provide directly to the public.
17. We appreciate the reporting requirements in the bill but do not believe they are adequate. Current reports of fee spending are often so general, one cannot easily tell how the fee money is being spent. The Salmon Challis National Forest report for 2012 describes a few projects which were completed, but does not reveal how much was spent on each project. Expenditures are given for operational costs, such as Visitor Services and Law Enforcement without further detail. In 2012 the Intermountain Region, which is comprised of 12 National Forests, reported spending \$319,899 on law enforcement from recreation fees for the entire Region. The Salmon Challis National Forests spent \$172,263, about half of the Region's fee-based, law enforcement expenditures. This imbalance could result because that Forest simply has more fee money to spend and is diverting it to law enforcement whereas the other Forests have to rely on appropriated funds. There is no way to tell if this spending is related to recreational activity. The public should have an opportunity to meet with the agency each year, to discuss these expenditures and get a more detailed accounting.
18. The draft bill also conflicts with the National Park Omnibus Management Act authority for issuing contracts and commercial use authorization to outfitters operating in National Parks. REA should not govern contracting and permitting procedures in National Parks.

Thank you again for taking the time to consider this important legislation. We appreciate the opportunity to share our views on how we can continue to support the important economic and social benefits of outdoor recreation on federally managed lands and waters.

Mr. BISHOP. Thank you. I appreciate those comments. We will now turn to Mr. Bannon.

STATEMENT OF AARON BANNON, ENVIRONMENTAL STEWARDSHIP AND SUSTAINABILITY DIRECTOR, NATIONAL OUTDOOR LEADERSHIP SCHOOL

Mr. BANNON. Thank you, Mr. Chairman, members of the committee. Thank you. My name is Aaron Bannon, and I represent NOLS, the National Outdoor Leadership School. We are a non-profit, outdoor, educational institution utilizing the wilderness

classroom, typically through month-long, expedition-style courses, and we educate 19,000 students every year.

Our 230,000 graduates include high school and college students, Naval Academy cadets, corporate CEOs, returning veterans, and NASA astronauts. We were founded almost 50 years ago in Lander, Wyoming, and we have since grown to be one of the largest commercial outfitters in the country, offering courses in 14 States, including Wyoming, Utah, and Arizona; in 9 countries; and across 6 continents.

I want to thank this subcommittee for taking the time today to consider reauthorization of the Federal Lands Recreation Enhancement Act, or FLREA. Continuing this authority is critical to support the ongoing operations of permitted outfitters across the public lands system.

Many key provisions of this law today work very well. Through FLREA, at least 80 percent of fees are spent within the unit where they are accrued, creating an incentive for both fee payers and agencies to participate in the fair fee program. These fees are used primarily to pay for repair, maintenance, or enhancement of recreation infrastructure, bug huts, and to support permit administration. FLREA ensures a balance of responsibility between commercial permittees, private recreationists, and general appropriations. We could do much worse than to simply reauthorize the Recreation Enhancement Act as it exists today. If that proves to be the swiftest path to its passage, NOLS supports straight reauthorization.

In the meantime, the discussion draft we are reviewing makes a number of thoughtful adjustments to the existing law. Some are notable improvements, such as the pilot program to reimburse entities that do their own maintenance on public lands, and the retooled notification process alerting the public to changes in fees, and involving the public in how recreation fees are allocated.

There are, however, some modifications that are problematic, particularly for special recreation permit holders. Specifically, in this discussion draft, cost recovery for the expenses of many nuts-and-bolts activities Federal agencies conduct is placed solely on the shoulders of special recreation permittees. Activities such as natural resource monitoring, restoration, emergency response, and law enforcement should not figure uniquely into special recreation permit fees.

The cost of these activities should be shared equally by users, and therefore, be funded through general appropriations. Because the portion of the public that opts to travel with an outfitter or an outdoors school is only a small percentage of the recreating public, it is not reasonable for them to shoulder more of the burden than private recreationists do.

This discussion draft also does away with Recreation Resource Advisory Councils, which were established to review fees in the current iteration of FLREA. While it may be appropriate in places where these councils have not functioned well, it should not exclude well-functioning resource advisory councils from continuing to operate. In Wyoming, for example, ours has functioned and continues to function very well.

The sunset provision in the draft, set at 5 years, is too rapid a turnaround. In order to properly assess the success of this program, a longer period is preferable, and we recommend 10 to 15 years.

Finally, as we consider ways to enhance recreation on public lands, please consider highlighting the work that volunteers can do. Service corps and other organizations across the country play a key role in stretching available funds for maintenance and improvements. These programs should be supported. It strikes me that this is in line with Congressman Grijalva's Public Lands Service Corps of 2013, and I encourage the committee to hold a hearing on this bill.

It is heartening to see that there is relatively little daylight between the various positions being expressed here today. We all want to see the Federal Lands Recreation Enhancement Act reauthorized, and reauthorized swiftly. The core of this bill, as it relates to the fees generated on Federal lands, is good. I want to express my gratitude to the members of this committee and to the witnesses testifying here today, as well, as we all share a common cause. We are all in the business of deepening people's connections with the outdoors. As Congressman Ruiz mentioned, these places are good medicine for the body, mind, and soul.

It is a pleasure to work with you toward this goal today. Thank you very much.

[The prepared statement of Mr. Bannon follows:]

PREPARED STATEMENT OF AARON BANNON, ENVIRONMENTAL STEWARDSHIP AND SUSTAINABILITY DIRECTOR, NATIONAL OUTDOOR LEADERSHIP SCHOOL

Members of the committee, Mr. Chairman, thank you for your time today and for your attention to reauthorization of the Federal Lands Recreation Enhancement Act. I am here representing NOLS, the National Outdoor Leadership School. NOLS is a non-profit outdoor educational institution offering environmental studies, technical backcountry and leadership skills to students of all ages. NOLS utilizes the wilderness classroom—remote wilderness, roadless, and backcountry lands and waters—to educate 15,000 students each year, most frequently on month-long expedition-style courses. The lessons learned on NOLS courses are invaluable to our graduates, who range from high school students to business leaders and NASA astronauts.

The National Outdoor Leadership School (NOLS) supports swift reauthorization of the Federal Lands Recreation Enhancement Act (REA). As one of the largest permitted outfitters on Federal lands agencies in the country, our continuing operation depends upon certainty of a permitting authority and anticipated fees. We support reasonable refinements during this reauthorization process, and appreciate the collaborative spirit that has thus far moved this issue forward.

The broad spectrum of support for reauthorization of this Act speaks to its functionality. Fees assessed through the existing program are, with some exceptions, reasonable and appropriate. REA extends a critical authority for assessing fees, and for providing guidance to Federal agencies to distribute those fees. Through REA, at least 80 percent of fees are spent within the unit where they are accrued, creating an incentive for both fee payers and agencies to participate in a fair fee program. With additional refinements, REA can ensure a balance of responsibility between commercial permittees, private recreationists, and general appropriations for the maintenance of recreation infrastructure on public lands.

IMPROVEMENTS IN THE DISCUSSION DRAFT

The Discussion Draft we are considering introduces some notable improvements to the existing system. The pilot program for stewardship credits, where groups who have an agreement with the land manager may be reimbursed for "maintenance and resource protection work," (Sec. 807(d)), is a good step toward fostering productive partnerships between Federal agencies and private entities. Many outfitters are al-

ready shouldering the costs of forest maintenance, such as clearing trail, to keep their operation viable. This would recognize that good work.

The adjustment in public participation regarding the establishment of fees (Sec. 808), is a notable improvement over the existing Recreation Resource Advisory Council system. Many States have struggled to implement a well-functioning Recreation Resource Advisory Council (RAC), though Wyoming's is function quite well. The public participation model should streamline the fee assessment process. Similarly, the system established to report the use of fee revenues (Sec. 813), should answer concerns regarding how collected fees are spent.

NEEDED IMPROVEMENTS UPON THE DISCUSSION DRAFT

There is room for improvement on a few fronts within this Discussion Draft, some of them critical. In some cases positive aspects of the original REA were lost. In other cases revisions themselves are problematic.

For example, though the public participation changes help with the assessment of fees, nothing of the previous Recreation RAC is retained. In places where they worked well, their continuing existence should be supported through inclusion in this legislation. This may exist, perhaps, as an additional layer of oversight where States choose to use them.

More critically, the cost recovery language specifically applied to Special Recreation Permit Fees (Sec. 807(b)), is extremely problematic. If it is retained as written in this discussion draft, it will create an undue burden on recreation permit holders. According to the discussion draft:

- (b) **COST RECOVERY.**—In setting the fee for Special Recreation Permits the Secretaries may consider the costs associated with the activities authorized under 807(a), including—
 - (1) trail and facility construction;
 - (2) maintenance;
 - (3) natural and cultural resource monitoring;
 - (4) restoration;
 - (5) emergency response and law enforcement;
 - (6) signage and user education;
 - (7) permit administration.
- (c) **RELATION TO OTHER FEES.**—Special recreation fees may be charged in addition to day-use

By and large, this is a laundry list of basic infrastructure that should be fundamental to core agency operations. It is inappropriate for fees assigned to special recreation permit holders to be uniquely responsible for standard amenities maintenance and operations. The portion of the public that opts to travel with an outfitter, or an outdoor school, to enjoy our public lands and waters is only a small percentage of the recreating public. It is not reasonable for them to shoulder more of the burden than private recreationists.

Recreation fees should be used primarily to pay for repair, maintenance, or enhancement of recreation opportunities and infrastructure, for direct operating costs of the fee program, and to support permit administration. Backcountry and Wilderness maintenance work should be on par with these priorities. Fees should supplement, but not supplant, existing revenues for agency recreation programs.

Additionally, the Sunset Provision (Sec. 820) in this discussion draft, set at 5 years, is too rapid a turnaround. A longer sunset provision would be advisable, especially given the relative success that the previous 10-year sunset provision allotted. Given a realistic reauthorization window, which was recently extended by a year, we may not be able to practically assess the merits and pitfalls of the existing act before it must once again be reauthorized. NOLS recommends a 15-year sunset provision.

OTHER OPPORTUNITIES

While there are limited opportunities to address permitting policy in this recreation fee legislation, we urge Congress to consider the significant and varied obstacles that exist to obtaining, renewing, and growing Special Recreation Permits on public lands. In general, given the value that Federal lands agencies attach to providing outdoor opportunities, we believe agencies should be proactive in supporting and expanding appropriate recreation activities on public lands. Obstacles in obtaining, renewing, and growing Special Recreation Permits on public lands are significant and varied. We should consider opportunities to streamline agency processes to improve services to permittees.

For example, when there are reasonable opportunities for programmatic environmental reviews to be conducted on an activity or a suite of similar activities, agencies should pursue that opportunity to avoid shouldering permit holders with administrative fees that can be internally driven, routine processes. Also, while preserving the integrity of the National Environmental Policy Act, agencies should ensure that an appropriate but not excessive level of environmental analysis when a permit is renewed with no significant changes, including the use of Categorical Exclusions to renew permits.

Clear support for volunteers, too, would benefit this legislation. Volunteerism is addressed, (Sec. 814), but we can do more to build partnerships between lands agencies and commercial permittees, volunteer groups, and institutions. While volunteer service work cannot fully supplant maintenance and enhancement pressures, it can help alleviate constraints and stretch existing fee dollars.

Finally, we can encourage consistency across agencies and across districts when considering fee assessment and permit reporting requirements. These should be consistent and reasonable across agency boundaries. When a permittee spends time in multiple agencies, layering of fees can easily occur unless there is active coordination.

IN CONCLUSION

It is heartening to know that there is relatively little daylight between the various positions being expressed. We all want to see the Federal Lands Recreation Enhancement Act reauthorized. The core of this bill, as it relates to fees generated on Federal lands, is good. While we have differences on details of this legislation we are predominantly all on the same side of the issue, and we appreciate its need. We are in the business of deepening people's connections with the outdoors. We are seeking that balance between providing access for people to locations and preserving the natural resource that inspires us. It is a pleasure to further this ideal through the work we are doing today.

Mr. BISHOP. Thank you. I appreciate the testimony of all our witnesses. We will now turn to questions of any of them from our panel. As long as you have questions. Thank you.

Mrs. LUMMIS. Thank you, Mr. Chairman. I particularly want to welcome Aaron back to our committee. Wyoming is very proud of NOLS and proud to be the mother ship of such an important organization, globally. So, welcome. Welcome to all of our panelists.

I do want to focus on our last witness for my portion of the questions. You are right, the Wyoming Resource Advisory Committee members do provide informed advice to the BLM on a variety of issues, and the RAC does work, I think, exceptionally well in Wyoming, and exceptionally poorly in some other places. So, I am interested in hearing from you on how we might integrate a successfully operating RAC under the law with places where they just don't work. How can we legislate that to allow those that really do operate effectively to continue to do so, while recognizing it just doesn't work everywhere?

Mr. BANNON. That is a great question. Thank you, Congressman. It is good to see you, too. Thank you for your excellent representation and support of NOLS over the years. We really appreciate it.

I think the Wyoming example of this Resource Advisory Council is—could definitely be a model for the country. There is a provision in FLREA, as it exists today, that allows States to develop a system separate from exactly how a resource recreation advisory council is mapped out in the law, and the State of Wyoming pursued that exemption and got permission from the Secretary to create what they call REACT, the Recreation Action Team.

REACT deals with fees, as is required through FLREA, but it has taken its responsibilities far beyond that. REACT engages all of the agencies across the State and a number of public entities, including NOLS and the Teton Science School to look for opportunities to promote activities in the outdoors, to engage youth in the outdoors. Fee review and approval is a portion of the work that—really just a piece of it. So I think Wyoming's program could be a model for the country.

Mrs. LUMMIS. This question I will also pose initially to you, but I do ask other members to provide examples, too, of how special recreation permit fees are currently spent.

Mr. BANNON. That is a good question. I think that, by and large, the fees are spent well. They are spent on improvements. Some of the improvements that Brian mentioned, we see improvements around the Shoshone National Forest, as well, for how these fees are spent. I think the challenge is sometimes it is not clear to permittees how those decisions are made, or to the general public, for what projects are chosen, or how fees are distributed between administration and between actual improvements. There is some language in the new discussion draft that I think actually makes some notable improvements on that, in terms of accountability.

Mrs. LUMMIS. OK. Would anyone else care to respond?

Ms. HAZE. I can. For the Department of the Interior, our bureaus work and prepare 5-year plans for the more major projects that are doing capital kinds of projects, and prioritize them locally. They are doing exhibits on trails, visitor programs, a whole broad array of visitor services that help promote the enjoyment of the visitors.

Mr. MERRILL. In Utah I agree—I also believe that the BLM is doing a good job of using these fees. They—bathrooms are amazingly important, and require a lot of maintenance and a lot of money.

Mrs. LUMMIS. Yes, yes.

Mr. MERRILL. You know, facilities, amenities like that, that are important to the resources, and everything from signage to examples of what I showed in the slides are all important, fire rings for camps, and everything along the way. Sometimes it is just about transportation costs, for example, of rangers getting to and from these remote resources, or funding of those rangers who do the monitoring and who might patrol the river. They get used in a lot of good ways, I think.

Mrs. LUMMIS. While you have the microphone, could you please give us some examples of unreimbursed maintenance that an outfitter or guide might perform?

Mr. MERRILL. Yes, I am—Mr. Brown might know a little bit more about that, but we have a lot of—of our national trade association, we have a lot of Forest Service members. I am not one, but they are experienced and have the ability to clear forest trails, for example, and they do. They will do it in the way that the forest wants them to do it, with cross-cut saws. They are not taking chain saws and things into these areas. They would love to be able to do it, to just keep trails open, for example, so that the increasing number of trails that are closed due to beetle kill and deadfall and stuff doesn't just keep escalating.

Mrs. LUMMIS. Yes.

Mr. MERRILL. So, the idea that there could be some credit given to them for that work toward their fees is a really great idea.

Mrs. LUMMIS. My time has expired. You are right; 5 minutes really does go fast. I yield back, Mr. Chairman.

Mr. BISHOP. We will come back again. Mr. DeFazio, do you have questions?

Mr. DEFAZIO. Thank you, Mr. Chairman. Ms. Weldon, there was a court ruling last week, as you know, regarding concessionaires operating in national forests. You know, Congress has seen fit to put certain restrictions on the agency, in terms of where you can and can't charge fees. When we first started the fee demo program it was a mess. I mean you had to get one for every forest, some—special use areas in a forest, and they were charging for people just to park their car, essentially, and walk in the forest or hunt.

We have cleaned a lot of that up, we have put in restrictions. But it seems to me the finding of this court says concessionaires can charge fees for things the Forest Service can't charge for, and there are some who are concerned, including myself, that this could incent the agency to move toward a more privatization, or concessions, in certain areas. How would you address that?

Ms. WELDON. Thanks, Congressman DeFazio. Thanks for your acknowledgment as far as all the learning that has occurred as we have worked through this fee program over the last almost couple of decades.

This recent court ruling was really asking the question of the authority that the Recreation Enhancement Act has with concessionaires. So, it affirmed that there are different authorities that concessionaires use, or are authorized to use, compared with how we set up fees for recreation sites. Basically, the Granger-Thye Authority is the one under which concessionaires act, and the one under which the Forest Service enters into agreements with concessionaires to enable them to run a business that provides certain services.

Mr. DEFAZIO. Right. Maybe if I make it specific we could get a more succinct answer. There is a lake in Mr. Walden's district that I am familiar with—Walton Lake, on the—

Ms. WELDON. Yes, I am familiar with it.

Mr. DEFAZIO. There is a camping facility there, boat launch ramp, and all that. Those are sort of accepted things for which you can charge a fee. There is a concessionaire there.

But if people just want to drive up to the lake, park their car, and have a picnic, very low-impact activity, they are being charged a daily use fee there. It is something, if the Forest Service was maintaining that site, they couldn't do.

What we are getting at is—I mean there is a concern that this is going to the Forest Service, we are going to see charges in areas where we—for activities that we don't think should be charged for.

Ms. WELDON. Our relationships with concessionaires are one that they must work very closely with us to get approval for any fees that they are charging. We don't foresee moving into a place where we are opening up the opportunities for fees to be charged that aren't commensurate with real clear services being provided.

So, we don't feel that this is going to open the flood gates for concessionaires moving into more privatization, because they can only

do that with our agreement and authority, and what the local community would be willing to sustain.

Mr. DEFAZIO. OK.

Ms. WELDON. So we think that we will be able to manage that.

Mr. DEFAZIO. OK. Because there has also been concern expressed about a very popular area where people park to just walk across the road to climb—same thing. I mean some people wanted to get that as—a parking lot as a concession, because it would be very lucrative, and the—

Ms. WELDON. I think it is really important to stay clear on what the intention of both those authorities are that they do require that engagement with the agency and with the public.

Mr. DEFAZIO. A public process.

Ms. WELDON. Yes.

Mr. DEFAZIO. Yes. Another concern I have with the Forest Service is a lot of people live in Portland. They buy passes locally right now—say at the Mount Hood Forest—but they go elsewhere, many of them, to recreate. Yet the revenue stays with the Mount Hood Forest. I understand region 6 is looking at a pilot program—

Ms. WELDON. Yes.

Mr. DEFAZIO [continuing]. Which I would really encourage, where people can essentially specify where they expect to recreate, and some portion of the fee for the pass they buy would go there, as opposed to just being wherever it was they bought the pass.

Ms. WELDON. Correct. That pilot is starting this week, actually. So you can now buy your pass in Portland or in Eugene, and part of that process you can identify where you recreate. That info in the Pacific Northwest can be accumulated to help guide where the fees go.

Mr. DEFAZIO. OK. So, we would want to give you flexibility in the law, whereas currently, right now, a certain percent is supposed to stay with and be non-appropriated funds at that local unit. But you think you have legal authority now to reallocate that money outside of that area?

Ms. WELDON. We need to make sure that the law allows that. We just want to make sure that, as our technology changes and get more specific, we would have the flexibility to have those fees go to where those users would like them to go.

Mr. DEFAZIO. OK. We will work on that. Thank you. Thank you, Mr. Chairman.

Ms. WELDON. Thank you.

Mr. BISHOP. Thank you. Mr. LaMalfa, do you have questions?

Mr. Grijalva, do you have questions?

Mr. GRIJALVA. Thank you. Let me ask Ms. Weldon and Ms. Haze, both. Recreation fees—and that is part of the big discussion today—are applicable to everyone, regardless. But there has been a special effort by the Department to try to make the public lands more accessible to more communities. It is a very good initiative, and I am glad it is being done.

Does that—has there been any thought about fees disproportionately limit the access for low-income, poor people, to be able to access the lands? Any consideration that is being thought about in terms of sliding fee, passes, other kinds of things that would fit

into this discussion that potentially could be something that is explicit in the legislation down the road?

Ms. WELDON. Thank you for your question, Congressman. One thing we like to acknowledge is that developed sites across the National Forest System, there are over 20,000 of them—a subset of those, about 4,000, are places that we actually charge fees. So a citizen can come to a national forest and experience quality outdoor rec with good support for amenities in many places. We are being very careful, as we move to the future, about where it makes sense, and where the local market and citizens can support additional fees.

I agree with you, it is worthwhile for us to keep an eye on where we charge fees, and whether or not it is affecting visitation. Right now, with the surveys that we have done, we haven't seen that there has been an effect of folks choosing not to recreate on national forests, due to fees.

Mr. GRIJALVA. OK, thank you. Mr. Merrill, in your testimony, in your written testimony, you make a point about the idea of—you take issue with the idea of carving out fee exemptions for educational groups, and suggest that any exemptions that are made be very, very narrowly crafted.

Mr. MERRILL. Yes.

Mr. GRIJALVA. Can you give us a specific example? The follow-up to that is why you believe that not all non-profits should be exempted from recreation fees.

Mr. MERRILL. My experience is many of the non-profit groups with whom we have worked are well-heeled. They have plenty of money. The fees are not an issue for them. So, to paint with a broad brush stroke that just because you have the title “non-profit” or “educational,” I think, is just that, it is too broad.

A lot of university groups in Utah run specialty trips, for example. You know, educational trips with students, but those students pay thousands of dollars to have that experience. Fees are not a problem for them. There might be other groups that—where—

Mr. GRIJALVA. OK, appreciate it.

Mr. MERRILL [continuing]. Budget is a problem.

Mr. GRIJALVA. Mr. Bannon, any comment on that exception question?

Also, I wanted to ask you, too, your organization has difficulty sometimes acquiring a sufficient amount of permits. My question was how an activity-based, programmatic, environmental review would help toward that end.

Mr. BANNON. Thank you, Mr. Congressman. These are great questions.

You know, NOLS is a non-profit, educational institution. We find it much more pragmatic to be recognized as a commercial permittee, and to pay our 3 percent to Federal agencies to recreate. So I do tend to agree with Brian, that we want to be pretty careful about how we carve out exemptions. There is certainly certain groups that really deserve it, and then there is other groups similar to ours, who should be able to pay their fair share.

To your second question, I think there has—especially in the forest we see a backlog of processing that would allow additional permits to be awarded. They are expected to do capacity analyses,

and it has been pretty difficult thus far for those capacity analyses to happen. So, what ends up happening is if a group wants to obtain additional days, as we are trying to do on the Shoshone National Forest, basically there is a microcosm of capacity analysis that is being conducted. Programmatic aid that looked at capacity for all groups that didn't charge all groups to do so would be a good alternative to that. Thank you so much, Mr.—

Mr. GRIJALVA. Thank you. Yield back.

Mr. BISHOP. Thank you. Mr. Daines, do you have questions?

Mr. DAINES. I do, Mr. Chairman. Thank you. I have the privilege of representing the State of Montana as a Member of Congress. An avid outdoorsman, fifth-generation sportsman. So thank you for the testimony today. It is very relevant. Makes me homesick, but I am 14 hours and 20 minutes away from breathing the air of Montana, but who is counting?

[Laughter.]

Mr. DAINES. Mr. Brown, your testimony talks about the risk of runaway analyses when permits are up for renewal, and how streamlining the permit renewal process and the permitting process overall would save costs. Could you expand a little more on that?

Mr. BROWN. Thank you, Congressman. Yes. As you know, in Montana, outfitters in the Bob Marshall are being required to sign cost recovery agreements, which make them agree to cover the cost of any level of analysis before they receive their permits. So it is actually signing a blank check agreement. They could be paying for a full 700-page EIS, which small businesses just could not afford.

So, there are ways to streamline the processing for those permits. Doing programmatic environmental assessments, for example, expanding categorical exclusions, as was done in the farm bill—I think it was Section 603, but I am not sure—for forest thinning and restoration projects, if we can do it for forest thinning, we should be able to do it for outfitting and guiding. That would cut down on the documentation requirements and the costs that the agencies incur in issuing these permits.

Mr. DAINES. Yes, and I was troubled when you see the term—from a Montanan, saying they have to cut a blank check when renewing their permit, something has to change here in this.

How much of this uncertainty and this whole blank check comment really could be fixed by strengthening protections from these habitual litigants that come from these fringe extreme groups, or by streamlining NEPA and ESA consultation?

Mr. BROWN. I think, if it is in the law, then it is more difficult for lawsuits to be filed. The Forest Service has actually—at least some of the people in the field that I have talked to—have suggested that authority for categorical exclusions would be appreciated, or at least they would appreciate them.

So, I think it is very important, if it is mandated—let me give you another example. There is a requirement in wilderness to do an assessment of need for commercial services, because the Wilderness Act basically says that commercial services are allowed to the extent necessary to fulfill the recreational purposes of the Act. So the Forest Service now, as a result of lawsuits, has to do assessments of need, then they have to determine the extent of that need,

then they have to determine whether the extent of that need has an impact on wilderness values. There is no standard for that.

So, if Congress, for example, mandated what a needs assessment was for wilderness, that would take that issue off the table.

Mr. DAINES. That is helpful. We, too, have heard some positive feedback on some of the provisions in the last farm bill that is starting to move down the field here, and a certain amount of progress in policy. So I think it is something that this committee ought to look at as we craft policy.

Let me ask you a question about the uncertainty and cost recovery that is due to wildfire, beetle kill, lack of trail maintenance, the lack of active forest management. Seems to me if the forests are left dry, overstocked, trails are unmaintained, the cost of outfitting our public lands is just going to continue to increase. Do you share that view?

Mr. BROWN. Yes, I do. The difficulty now is that—and I—because I have been to Montana, I have actually seen these trails in person, have been on—my family used to do pack trips quite a bit out West. So the beetle kill and fire, winter storms would blow down 400 or 500 logs, sometimes over a trail, an outfitter has to go out in the start of the season with cross-cut saws in wilderness, pay their employees to clear those trails, because the Forest Service crews either—the Forest Service is only maintaining 35 percent of the trail system. So they either don't get there, ever, or their trail crew gets there too late.

So, the expense becomes the outfitters'. These are trails that the public uses, not just outfitters.

Mr. DAINES. Right. Last, how do you think Congress should strengthen recreational access into wilderness areas?

Mr. BROWN. I think that removing any of the barriers to recreation access, such as the needs assessment question for outfitting and guiding, would be helpful. I think that reauthorizing temporary permits for new activities, which enables categorical exclusions would be another way to improve access, especially for new activities. Those are two solutions. I think that we need to look at less bureaucracy, basically, in authorizing use, and making sure that we have plans that facilitate access.

Party size restrictions in wilderness are another big issue. There is no science related to it, there just seems to be this desire to cut party size.

Mr. DAINES. Thank you. Thank you, Mr. Chairman. I am now just 14 hours and 15 minutes away from breathing Big Sky air. Just telling you that. So thank you.

Mr. BISHOP. When you don't make your plane, we will re-evaluate those numbers.

Let me just—for the committee's sake, and also the guests who are here—we will probably be voting maybe in about 10, 20 minutes or so. There is another panel. We will go through that maybe after votes, but we will do that. If there is another round of questions for these witnesses, we will do that, as well. I do have a couple, while we have the agency here.

Let me follow up very quickly with Ms. Weldon. Representative Grijalva asked you about the low-income impact for visitation. Is

there any research that the Forest Service has done to quantify that?

Ms. WELDON. Not to my knowledge have we done some specific studies with low-income and whether there is a challenge for visits.

Mr. BISHOP. All right. To either you or Ms. Haze, there seems to be a little reporting on how agencies spent the revenue that is generated. Do the agencies track expenditure by project?

Ms. HAZE. We do. We track at the unit level, they are tracking the fees they are using, both obligations and expenditures. I would just—

Mr. BISHOP. Is that information then reported on a national level?

Ms. HAZE. It is rolled up in a summary level. So in our systems we would have it at the unit level and have that detail. We do the 3-year report, and then both the Forest Service and our bureaus report annually on that financing in our budget—

Mr. BISHOP. All right.

Ms. HAZE [continuing]. That is submitted.

Mr. BISHOP. Ms. Haze, only 131 of the parks charge entrance fees, and the rest don't. How do you decide where to charge entrance fees? Is it fair that some sites are free and some sites have fees?

Ms. HAZE. That is a really great question. So the decision about whether or not to collect entrance fees is made by the park managers. They are looking at issues including the logistics and the ability to collect fees if they have multiple sites of entry. The level of staff they have and infrastructure to support it. As these gentlemen pointed out, you don't want to make this cost too burdensome and bureaucratic.

Then, management goals, including whether we want to make sure that under-served communities and urban areas, for example, have access to recreation. All those factors into those decisions.

Mr. BISHOP. Are there any standards that the agency has determined that these land managers at the local level use to determine whether they are going to collect fees or not?

Ms. HAZE. At the national level in each bureau there is a set of values that they are looking at: the value of getting people out and seeking recreation, the under-served communities, again, and where it makes sense to have the fees.

Mr. BISHOP. This could actually go to both of you, but it is probably more prevalent on the Park Service. You have free fee days, or fee-free days, I should say. Have you done any analysis on how much revenue is lost on these days?

Ms. HAZE. We have. I don't have those at my fingertips, but we have estimated the impacts. We had to do that as part of our determination to declare the fee-free days.

Mr. BISHOP. All right. Let me go back and follow up with Mr. DeFazio's questions with Ms. Weldon, if I could, because I thought they were very interesting on that court case.

Does the Forest Service then use concessionaires to avoid some of the restrictions on changing fees in FLREA?

Ms. WELDON. The Forest Service doesn't try to game between the two of those. They are really quite distinct. The thing they do have in common is the fact that, as we look at which authority to use,

where to charge fees, that we do that in such a way that is really responsive to what amenities the public could appreciate. With concessionaires, in particular, is there a business plan that could fully support them as a business providing those services that the public wants?

Mr. BISHOP. If there were few concessions, would public access increase or decrease?

Ms. WELDON. That is a good question. In general, we use our outfitter guides, our concessionaires, as a way to extend and expand the availability of experiences for the public, especially those who may not be able to fully support the thing they want to do without having assistance from those types of business partners.

Mr. BISHOP. So what do you predict would happen if concessionaires were required to take all passes?

Ms. WELDON. I think—and you will hear probably from the next panel—that there would be a mixture of concern, as far as the tradeoff of the bottom line—our concessionaires are business partners, compared with working in—with us. They actually host and deliver the services as part of a business, compared with a system where those funds go back into a large pot. So that would be the tradeoff, or the concern.

Mr. BISHOP. Thank you. To Mr. Merrill, Brown, and Bannon, I did have questions for each of you, but Daines and Lummis took them all. So that is the last time I let them go first. I appreciate—and we will have conversations as time goes on.

Mr. DeFazio, do you still have other questions?

Mr. DEFAZIO. Yes. Thank you, Mr. Chairman. To Ms. Haze, it is my understanding—and I don't know if you are familiar with this, but BLM is reviewing its special permitting. I will be specific. There is a group called Cycle Oregon. They hold a week-long bicycle ride every year. Any and all—it is a non-profit, and any and all proceeds over and above their costs are dedicated to a rural community that is along their route. They have built sports fields and things at local high schools and communities that don't have a lot of money.

A few years ago they rode, I think, 180 miles on Forest Service roads and at a very reasonable fee—I was on this ride—and then they rode 80 miles on BLM on a 1950s chipseal, not a really great road that hasn't ever been maintained, to go through a forest over to the coast, and BLM wanted to extort them for \$25,000. There were no BLM law enforcement officers, there were no amenities used. They merely rode over the road.

Now this seems—and I have been quite involved in this—it seems to me that the Forest Service, where they rode more miles for about one-tenth the cost on a better road, you know, there needs to be some consistency here. What is the review process? How are you going to look at the Forest Service standards? Because they seem to be much more reasonable, in terms of the impacts and costs they charge for.

Ms. HAZE. I am very glad you asked me that question, because the last time I appeared here to talk about this program and talked about this issue it was rather unpleasant. So, better news. BLM has spent quite a bit of time on this, and they are looking at this as a linear event. They can bring their fees and their approach in

line, more in line, with the Forest Service. So I think that demonstrates the flexibility of the program and the program we have now.

I think we consider to be challenged to some degree, as these gentlemen did a really good job of explaining with this issue about profits and non-profits. So I think that will merit additional discussion.

Mr. DEFAZIO. All right. Or perhaps direction from Congress.

Then, very quickly to Ms. Weldon, this is just a suggestion, which I have made to the regional supervisor and others. I had an experience last summer backpacking in a forest, the Eagle Cap Wilderness, Wallowa-Whitman, and went to the Web site to kind of see what the conditions were. Of course, on the Web site there was no useful information, except for a couple of campgrounds, because apparently they have a rule that they can't assess, on an annual basis—put on any information about a trail until they have sent someone out and they have come back and reported on the trail.

But the example here is the year before the bridge had blown out on this trail over a stream, and they didn't even put that information up, and I don't think the bridge would have repaired itself over the winter, so they could have at least put up the data from the year before: "bridge out." But they didn't even do that.

I talked to the supervisor, I talked to the recreation person. I suggested that—couldn't you just have, like, a page where the public—because it used to be in the old days you could call the Forest Service, talk to a local ranger, and say, "How are the bugs at this lake?" They will say, "Oh, God, awful." You know? Can't do that any more, you don't have enough people, you don't get people out there.

But other people have been there, but there is no aggregate place for them. Said, "Oh, no, we will have horrible liability if we let people go on to anything that we are associated with and put things about trail conditions on it." I mean do we need to extend you some legislative cover here, so you could post sites like that so users could actually put up useful information for people who intend to go to that forest or recreation—

Ms. WELDON. I fully agree with you. I would say the biggest barrier is around just those security issues of what we post. But we are actually exploring ways for our own employees, as they are out and about, to be sources of info that can be readily posted. "Went such-and-such a place, here is how it looked today." You know, from the standpoint of health and safety, for sure, if we have information, we must post it. We should do a better job of that. But we are exploring how in the world of social media and such, and different ways of sharing information, we can be much more nimble in making that information available. So I appreciate the feedback.

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

Mr. BISHOP. Mr. Grijalva.

Mr. GRIJALVA. Yes. Quick question for Ms. Weldon and Ms. Haze. We are—we heard in this panel, we are going to hear probably in the next panel, stakeholders from outfitter and the guide community, concerns about the availability of special research permits.

So, two questions. How have the shrinking appropriations impacted your agencies' ability to process these permits? And have there been any attempts to do activity-based programmatic environmental assessments that came up today—consistent with NEPA compliance? The categorical exclusion concept, that would potentially increase the available permits. What are the potential problems with that approach?

Ms. WELDON. Thank you. I just want to acknowledge how important our outfitter and guide business partners are to delivering those services to the public, and really appreciate the strong relationships that we have with them, and the comments today.

Our objective is to ensure that, as we are permitting activities, we do it in such a way that we can understand and ensure the fiscal responsibility, what the market can support successfully. Also, how can we safely and, in a sustainable fashion, have these activities occur on public lands? I will acknowledge that we are challenged, compared to the amount of opportunity that outfitter and guides and other folks want to bring our way, and being able to be fully responsive.

So, we are in the process of really evaluating what might be a different model for us to be able to be more responsive, because of our acknowledgment of that economic opportunity and the needs that citizens are expressing.

So, if we can have different mechanisms to get those bottom lines of financially responsible, ecologically feasible, and what the market can bear in that legal context, then we would like to work with you to see what else we might be able to do there.

Mr. GRIJALVA. Thank you.

Ms. HAZE. Could I add to that? I would just like to point out I think it is the ability we can leverage the recreation program and the fee program with our appropriation that allows us to maintain a good bit of stability. Last year, during the sequester, I know all of us were not happy that that happened. In a lot of cases, the programs could continue at our sites because of the fee program. There have been real impacts on agency budgets and their ability to address all of the things we want to address. Thank you for that question.

Mr. BISHOP. I want to thank the panel for your testimony here, and dismiss you at this time. We have votes that are going on. This will be, in all sincerity, probably about 25 minutes before we get done with these two votes.

So, what I am going to do is dismiss this panel. I hate to do this to the second panel, but that is what happens when we do votes on a Friday—or have committee hearings on a Friday. So we will ask you simply to enjoy the amenities of this room.

[Laughter.]

Mr. BISHOP. For about 25 minutes. We will be back to continue on with that.

Once again, I appreciate this panel being here, and thank you for all your efforts. Anything else you have for the record that is written, we will add to it.

I would also like unanimous consent to add to the record a letter that has been sent to me by a Utah-based recreation company that

could not be here today, but would like to have their comments submitted.

[No response.]

Mr. BISHOP. So, without objection, since no one is listening to me, it is part of the record.

[The information submitted by Mr. Bishop for the record follows:]

LETTER SUBMITTED FOR THE RECORD BY MR. BISHOP ON H.R. _____

AMERICAN AVIATION, INC.,
SALT LAKE CITY, UTAH,
APRIL 2, 2014.

Hon. ROB BISHOP, *Chairman,*
House Subcommittee on Public Lands and Environmental Regulation,
U.S. House of Representatives, 123 Cannon Building,
Washington, DC 20515.

Re: April 4, 2014 Federal Lands Recreation Enhancement Act Hearing (FLREA)

DEAR CHAIRMAN BISHOP:

Our National Parks, Monuments and Recreation Areas are important destinations for national and international recreation users, also known as park unit visitors. Of the top 25 domestic travel locations, 8 of them are National Parks. They account for more than \$30 billion in economic activity and support more than a quarter million jobs annually.

The core of American Aviation's business is dealing with those recreation users that enjoy Glen Canyon National Recreation Area from the air. While air visitors do not pay a fee to the Recreation Area, it should be noted that they do not use ground facilities or require National Park Service (NPS) employee management or support. What the air visitors do contribute toward is word-of-mouth promotion of what the Recreation Area has to offer to their friends and families. We know of several examples of our visitors returning to enjoy the Recreation Area by watercraft, a trip inspired directly from their initial introduction to the park through their air tour experience.

NPS' statutory purpose under the 1916 Organic Act is twofold: "(1) to conserve the scenery and the natural and historic objects and the wildlife therein; and (2) to provide for the enjoyment of the same in such manner and by such means as will leave them unimpaired for the enjoyment of future generations."

We understand and sympathize with their dilemma of balancing conservation responsibilities with the demand of recreation users, all while dealing with strained operating budgets, not the least of which is their \$11.5 billion maintenance backlog. We also believe that they can do a better job of prioritizing their duties and expenditures, overall.

Since the National Park Air Tour Management Plan Act (ATMP Act) was passed by Congress in 2000, the NPS and the FAA have spent substantial revenues and have yet to complete a single air tour management plan for any park unit. In the interim, while patiently awaiting these plans to be completed for any given park, air tour operators were granted Interim Operating Authority (IOA) for a limited number of flights annually based on prior activity, essentially a "cap" that has precluded any opportunity for growth or expansion for over a decade. Not surprisingly, the stalled efforts in adopting air tour management plans have had a detrimental effect on Air Tour companies.

The Act, and the resultant delays attributed to the dismal performance of implementing it by our Federal agencies, has inhibited market growth, and stymied competition between the existing market participants, as well as created insurmountable barriers of entry for new market entrants.

The NPS Director's Order #22 outlines their fee program purpose as supporting the NPS mission as it relates to: "resource stewardship, visitor facility improvements, education, and visitor use management". It further states: "Fees are used to fund projects that address deferred maintenance needs, provide for new visitor programs and services, protect resources, improve and rehabilitate facilities for visitors." We have come to learn that FLREA funds are being used by NPS for their soundscape programs, which is responsible for their duties under the ATMP Act.

American Aviation has applied numerous times for an increase of the "IOA" (number of flights) we are permitted to provide over the Glen Canyon Recreation Area.

We have been waiting over 6 months on our latest application, and the foot-dragging continues.

Shouldn't the type of Park Unit be the primary consideration in how air tours are managed and the number of IOA (number of flights) allowed or how an Air Tour Management Plan or Voluntary Agreement is crafted? Given that Glen Canyon Recreation Area is primarily a watercraft recreation area, should we be held to same soundscape standard as Yosemite or Yellowstone?

The NPS, under the ATMP Act, has the discretionary authority to approve increases in IOA (number of flights). We have been told that the NPS Director is vehemently opposed to increasing the number of flights over any Park Unit no matter what the circumstance or situation. If they are unable to responsibly exercise their authority in a timely manner, perhaps watercraft recreation areas should be excepted out of the ATMP Act.

While we support the concept of FLREA, we believe the act needs fine tuning with consideration given that this effort may well serve as an opportune vehicle for providing the NPS with more prescriptive guidance for prioritizing its expenditures.

Chairman Bishop, on behalf of our employees, our Air Tour visitors, the residents of southern Utah and Page, Arizona, we appreciate your efforts on all of our behalfs to make the NPS more efficient and recreation-user friendly.

Respectfully,

LARRY WRIGHT,
President.

Mr. BISHOP. We are in a state of adjournment.

[Recess.]

Mr. BISHOP. Let me call the next panel forward. If I could have—looks like you are almost all there—Kitty Benzar, who is from the Western Slope No-Fee Coalition; Derrick Crandall from the American Recreation Coalition; Elizabeth Pemmerl—am I close?

Ms. PEMMERL. You are close.

Mr. BISHOP. But no cigar, OK. General manager of NIC; Toddy Davison, Chief Executive Officer of Travel Oregon; and Jack Terrell, who is from the National Off-Highway Vehicle Conservation Council.

So, we appreciate you being here. You remember the deal about watching the time in front of you. We are officially now back in session.

Mr. Terrell, allow me to let you go first. I realize you have a plane to catch, and a lot of other people do, as well, so—I mean some other people do, as well. So we are going to try and get this one done, hopefully within the hour. Let me allow you to go first, and then leave when you need to leave. OK? Mr. Terrell, you are recognized.

**STATEMENT OF JACK TERRELL, SENIOR PROJECT MANAGER,
NATIONAL OFF-HIGHWAY VEHICLE CONSERVATION COUNCIL**

Mr. TERRELL. Mr. Chairman, Ranking Member, distinguished members of the subcommittee, thank you very much for allowing me to testify, and thank you for rearranging the schedule. I appreciate it very much. I am the senior project manager for the National Off-Highway Vehicle Conservation Council. We are a 501(c)(3) education foundation, and we are a national organization of off-highway vehicle recreation enthusiasts.

I think in the interest of keeping it short, I am going to skip over quite a bit of what I have submitted as testimony. I do want to say that it is the official position of the National Off-Highway Vehicle Conservation Council that we support Federal recreation fees as a

critical source of funding to maintain and improve quality recreation opportunities on public land. We feel the demand for that. Recreation is growing, and many times the appropriated funds to support that type of activity on public lands doesn't provide enough funding to support the activity.

I will say, however, that our support for the recreation fee comes with a qualification, and that qualification being that the fees collected be directed back to the location and the recreation activity from which they were collected. I think that is extremely important to maintain the public support for recreation fees on public land, that they have to see the result, direct result, of what they are paying the fees for. So I would say that, that it is extremely critical to any changes or any improvements that you make to the law.

These recreation fees have been very important to the OHV community across the country, and the community has worked very closely with both the BLM and the Forest Service on these activities. Often, the money that is collected through these recreation fees provides leverage that ends up actually leveraging the amount of money, and additional money comes in from State grant programs, and also from non-profit organizations, support organizations, that will add to those fees to create increased amenities at local locations.

Having said that, in testifying to what the National Off-Highway Vehicle Conservation Council, what our position is on it, I would also like to take the opportunity to provide some experience that I gained as a member of one of the RACs that was formed under the current legislation. I have been a member of the southern region RAC for the U.S. Forest Service. My term expired last month. I served part of that time as Chairman of that RAC and became quite involved and knowledgeable of how the RACs work.

I am interested to hear that there are parts of the country where you don't feel the RACs have been successful. My observation has been that, particularly in the southern region of the Forest Service, the RAC was very successful, really got down to the details of what it was supposed to do, looked into the—reviewed all of the fees, and made sure that they were justifiable. We worked very closely with the Forest Service employees, both at region level and at the ranger, district, and forest levels. It was an extremely, I think, beneficial and very efficient process.

However, I do have to criticize what ended up after—what started out as a very successful program pretty much ran up on the rocks and became totally inactive for 5 years. In that 5-year period you really did not have a RAC in the southern region. I would have to say that the reason for that was not that the private members of the RAC became disinterested. They stayed interested and involved to the end. It was certainly not a problem with the folks in the region or the folks in the Forest Service units at the lower levels.

Where the problem came up was that the RAC—again, I'm speaking Region 8, southern region—did not get the administrative or budgetary support from Washington to continue its operation. This was both because of sequester, it was because of the government shut-down, it was for a lot of reasons. But we went for 5 years and we did not have a single meeting of that committee. I

think that the RAC is the place where you get your—where everything comes together. You get your public input, you get input from stakeholders, such as the different concessionaires. If that RAC does not operate efficiently, in effect, the law goes away. I would urge very, very much that any changes that are made to the law made sure that the budgetary and administrative support was there for the RACs to operate properly.

With that, I will conclude my statement. Thank you.

[The prepared statement of Mr. Terrell follows:]

PREPARED STATEMENT OF JACK TERRELL, SENIOR PROJECT MANAGER, NATIONAL OFF-HIGHWAY VEHICLE CONSERVATION (NOHVCC) ON H.R. _____

Chairman Bishop, Ranking Member Grijalva and distinguished members of the Subcommittee on Public Lands and Environmental Regulation, thank you for the opportunity to testify about reauthorization of and amendments to the Federal Lands Recreation Enhancement Act (FLREA).

I am Jack Terrell, Senior Project Manager of the National Off-Highway Vehicle Conservation Council (NOHVCC), a national body of off-highway vehicle (OHV) recreation enthusiasts. NOHVCC is a 501(c)(3) education foundation that develops and provides a wide spectrum of programs, materials and information to individuals, clubs, associations, public agencies, and private land owners in order to further a positive future for responsible OHV recreation. Additional information about NOHVCC can be obtained at www.nohvcc.org.

In my role as NOHVCC Senior Project Manager I have worked extensively with Federal (USFS/BLM/FHWA), State and local government entities, private landowners, NGOs and recreation enthusiasts on motorized and non-motorized programs and projects.

NOHVCC supports Federal recreation fees as a critical source of funds to maintain and improve quality recreation experiences on public lands. The demand for recreation opportunities on public lands is growing at a time when appropriated recreation funding falls short of the needs of the USFS, BLM and other Federal agencies. Our support for the recreation fee program comes with the qualification that the money collected by these fees be used at the same location and in support of the same recreational activity that generate the fee. In this regard, rules and procedures must be in place to accurately document where the fee is collected and where the fees are spent. The recreation public will support the fees when they are used to support the activity where the public pays the fee.

These recreation fees have been very important to the OHV community in maintaining and improving motorized recreation opportunities at numerous USFS and BLM areas, such as the Ocala National Forest, Imperial Sand Dunes, and many other locations. Often the revenue from these fees has been used to leverage additional funding from various State and local grant sources, and non-government sources. This leverage often provides on-the-ground improvements far beyond what would be expected from the dollar amount of the fees collected. NOHVCC supports the extension of FLREA with amendments to improve documentation where fees are collected and where fees are spent.

Having presented NOHVCC's position on FLREA, I would like to describe my personal experiences as a member of the public serving on a Recreation Resource Advisory Committee that was established in accordance with the current FLREA. In March 2007 I was appointed to the USFS Southern Region Recreation Resource Advisory Committee as a representative of the summer motorized recreation community. I served on this 11-member committee until its operation was suspended in early 2009. I was re-appointed to the committee in March 2011 and served as its chair at its February 2014 meeting. My term expired last month.

The committee held its first meeting in April 2007 and continued with a series of regularly scheduled meetings through September 2008. During this period the committee, Region 8 staff, and personnel at the various Forests and Ranger Districts developed an in-depth knowledge of the requirements of the law, and the procedures for submitting and reviewing fee proposals. Constant interaction and mutual support led to a working relationship that resulted in the adoption of justified fees. A meeting was scheduled for February 2009 to consider another slate of fee proposals.

Before that meeting could be held the entire process went into limbo for 5 years. No meetings were held between October 2008 and January 2014. No fee proposals were reviewed or approved. Terms of members expired, some resigned, and morale

among the all-volunteer committee members plummeted. New members were appointed in 2011 but no meetings were held. A committee meeting was held in February 2014 just before the expiration of the terms of most of its members.

I ask the subcommittee what is the purpose of a law that is not implemented or supported by an agency that directly benefits from its revenue?

From my ground-level perspective as a private citizen serving on the RRAC, I do not believe the 5-year hiatus was the result of non-involvement of private members, nor was it the result of lack of support or enthusiasm on the part of USFS Region 8 staff and personnel at the various Forests and Ranger Districts. The problem clearly was in Washington, DC. The February 2009 meeting was canceled due to a lost request for a Federal Register notice. Rescheduling was delayed by arbitrary holds placed by a new administration on Federal Register requests in 2009. As time went by it was apparent that the Washington Office put a very low priority on the RRACs. More attempts to schedule RRAC meetings ran aground due to budget transfers and budget freezes. Add in sequester and government shutdowns, and the result was a 5-year suspension of the operation of the Southern Region RRAC.

In conclusion, I support the intent of FLREA but I must criticize its implementation. RRACs should be retained in the reauthorization legislation, the process must be streamlined, funding for the RRACs must be budgeted and used, and the priority of support for the RRAC program must be elevated within the Washington Office. Without exception, amendments must address issues of accountability and transparency since the success of the program is dependent upon stakeholder involvement and buy-in by the recreation public. Hopefully an amended version will be enacted that addresses these issues.

Thank you for your time and attention.

Mr. BISHOP. Thank you, I appreciate that. Once again, all your written statements are in the record; these are the oral statements in addition to that. Let's reverse tradition and go the other way, just for the fun of it.

Mr. Davidson.

**STATEMENT OF TODD DAVIDSON, CHIEF EXECUTIVE
OFFICER, TRAVEL OREGON**

Mr. DAVIDSON. Thank you, Mr. Chairman, Ranking Member Grijalva and members of the subcommittee. I appreciate the opportunity to discuss with you today the importance of specifically including the engagement of America's travel and tourism industry in your discussions regarding reauthorization of the Federal Lands Recreation Act and, in doing so, allowing the expertise and resources of States, local communities, and under-utilized Federal agency resources to be fully leveraged to drive increased visitation and recreation opportunities.

My name is Todd Davidson. I am the CEO of Travel Oregon. I am testifying today on behalf of the Western States Tourism Policy Council, and the Southeast Tourism Society. Together we strongly endorse reauthorization of FLREA this year, and can attest to its importance to public lands in our States.

The WSTPC is a consortium of 11 western State tourism offices, and the Southeast Tourism Society is a network of communities and small businesses, government offices, associations, and others in 12 southeastern States. Our organizations represent 23 States that are home to some of America's most spectacular and iconic Federal lands, well known to this subcommittee. From the Mount Hood National Forest and the Petrified National Forest—National Park, to the Savannah National Wildlife Refuge and the Great Smoky Mountains National Park, Federal lands, recreation, and

conservation play a critical role in driving local economies and creating extraordinary travel experiences.

As organizations that represent communities across nearly half our country, we support the reauthorization of FLREA, and offer three proposals to better engage States and local communities, enhance visitor and recreation experiences, and drive increased visitation, revenues, and economic impact. In addition, these proposals aim to strengthen FLREA from the perspective of Federal land management agencies, and from the vantage point of local user groups, including the oft-overlooked gateway communities.

First, we propose to have a portion of fees designated for promotional cooperative efforts with tourism and community partners. At present, each of the authorized agencies, under FLREA, has a dedicated tourism coordinator who participates in Federal policy forums such as the Tourism Policy Council. But these coordinators are under-utilized as resources for frontline staff in local communities.

So, in order to encourage greater engagement with local communities and provide opportunities for the agencies to expand their outreach to user groups, we would propose that your consideration of up to 1 percent of the national portion of the entrance and recreation fees on sites that have fee revenue of greater than half-a-million dollars annually be designated for the agency's office coordinating the tourism activities. These funds would then be deployed to create and distribute cooperative grants that encourage collaboration between Federal sites and local gateway communities.

Creating a manageable, cooperative tourism grant program is an opportunity to connect Federal policies with front-line tourism communities and businesses that are demonstrating that investments in Federal lands are also investments in local communities.

Second, we would like to see a provision including—in FLREA to specifically allow fee revenues retained at the local site to also be used for cooperative promotional efforts in local communities. Many Federal land managers perceive marketing and promotion as prohibited activities, and they are reluctant to discuss cooperative programs with destination marketing organizations. We recognize that Federal land managers may have limited understanding as to the fundamentals of marketing and promotion, so we see this as an opportunity to put the talents and expertise of the travel and tourism industry to work for local Federal lands managers.

Third, effective utilization of technology is a challenge for organizations of all sizes and scope, including Federal land management agencies. Rather than calling for a specific technology system and solution, we would like to see FLREA funds devoted to developing a technology infrastructure that drives private-sector innovation and improves the visitor experience. We propose that a portion of the entrance fee and the recreation fees that are sent to Washington be used to develop and maintain an electronic resource that compiles outdoor recreation data across all Federal lands and waters into a robust, comprehensive database that can then be used by visitors for information, trip planning, reservation systems, and other applications.

States and local destination marketing organizations and businesses would be able to access this data to target their promotional

efforts, and the private sector would be able to develop applications and other tools to better utilize and enhance visitor experiences and recreation programs at the local, regional, and national level.

These proposals are meant to encourage and enhance visitation in outdoor recreation, and to create opportunities for collaboration with States, local communities, and the private sector.

We stand ready to work with you to advance FLREA reauthorization. Thank you.

[The prepared statement of Mr. Davidson follows:]

PREPARED STATEMENT OF TODD DAVIDSON, CEO OF TRAVEL OREGON

We appreciate this opportunity to discuss with you the importance of specifically including engagement with the travel and tourism sector in reauthorization of the Federal Lands Recreation Enhancement Act (FLREA) to allow the expertise and resources of States, local communities and underutilized Federal agency resources to be fully leveraged to drive increased visitation and recreation opportunities.

I am Todd Davidson, CEO of Travel Oregon and am testifying today on behalf of the Western States Tourism Policy Council (WSTPC) and the Southeast Tourism Society (STS). Together we strongly endorse reauthorization of FLREA this year, and we can attest to its importance to the public lands in our States.

WSTPC is a consortium of 11 western State tourism offices, including Arizona, California, Colorado, Idaho, Hawaii, Montana, Nevada, New Mexico, Oregon, Utah, and Wyoming. Our members are appointed by Governors and report to our State legislatures. WSTPC's creation was inspired by the 1995 White House Conference on Travel and Tourism, which urged greater regional attention to the interrelationships between Federal lands, the environment and tourism. The mission of the WSTPC is to foster and encourage a positive environment for travel and tourism by serving as a forum to identify research, analyze, and advocate the travel and tourism related issues of public policy and opinion in the western United States.

STS is a not-for-profit membership association that works to elevate the talents and strategies of travel and tourism organizations and individual professionals within its 12 State region. STS's mission is to strengthen the economic vitality of the region by uniting all segments of the travel and tourism industry through collaboration, education, advocacy, networking, and recognition. Established in 1983, STS is an engaged network of more than 800 members from 12 States: Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, Virginia, and West Virginia.

Our organizations represent 23 States that are home to some of the America's most spectacular and iconic Federal lands—well known to this subcommittee. From Mount Hood National Forest and the Petrified Forest National Park to the Savannah National Wildlife Refuge and the Great Smokey Mountains National Park and many sites in between, Federal lands, recreation, and conservation play a critical role in driving local economies and creating extraordinary travel experiences. As organizations that represent communities across nearly half of the country, we support the reauthorization of FLREA and offer three proposals to better engage States and local communities, enhance visitor and recreation experiences and drive increased visitation, revenues, and economic impact.

Although management of Federal lands is funded primarily by appropriations, a significant and growing portion of this management depends upon entrance and recreation fees. Revenues collected through FLREA enhance visitor experiences by providing funds to repair, maintain, and improve facilities; restore wildlife habitat for visitor recreation; offer educational materials and services; and provide law enforcement. For example, since FLREA enactment in 2005, the National Park Service, one of the authorized agencies, has obligated \$2.3 billion in fee revenues, which have funded over 9,800 projects and services with the National Park Service.

COOPERATIVE GRANTS TO LOCAL COMMUNITIES

We propose to have a portion of the fees designated for promotional cooperative efforts with tourism and community partners. At present, the National Park Service has a National Tourism Strategy and an Office of Tourism, providing an excellent model for how Federal land management agencies can engage with local communities and the tourism sector. Each of the authorized agencies under FLREA has a dedicated tourism coordinator who participates in Federal policy forums, such as the Tourism Policy Council, but these coordinators are underutilized as resources for frontline staff and local communities. In order to encourage greater engagement

with local communities and provide opportunities for the parks to expand their outreach to user groups, we recommend that 1 percent of the national portion of entrance and recreation fees on sites that have fee revenue of more than \$500,000 annually be designated for the agency's office coordinating tourism activities. These funds would be deployed to create and distribute cooperative grants to local communities and individual sites. Cooperative grants will encourage collaboration between Federal sites and local gateway communities to promote the sites and their activities ensuring that the messaging of Federal sites has resonance and rewards engaged parks and sites with increased visitation, volunteerism, and spending. Gateway communities would see increased visitor spending and jobs.

Creating a manageable cooperative tourism grants program is an opportunity to connect Federal policies with frontline tourism communities and businesses demonstrating that investments in Federal lands are investments in local communities. By encouraging Federal land management agencies to develop strategies for engaging with the travel and tourism sector and local communities, FLREA will be driving policies to ensure the economic impact of Federal lands visitation and recreation are broadly shared by the States, communities, and small business.

FEDERAL LANDS PROMOTION

Additionally, we would like to see a provision included in FLREA reauthorization to specifically allow the fee revenues retained at the site to be used for cooperative promotional efforts with local communities. Many Federal land managers perceive marketing and promotion as prohibited activities and are reluctant and or unwilling to discuss cooperative programs with destination marketing organizations. Not only is this a missed opportunity for sites to showcase their attractions and programs, but it also means that they are failing to leverage the expertise of the tourism community in targeting and attracting key demographics, such as young people and Hispanic and African-American families and in driving visitation in non-peak periods. We recognize that Federal land managers may have limited understanding of the fundamentals of marketing and promotion. We see this as an opportunity to put the talents and expertise of the travel and tourism sector to work for local Federal lands in order to help them better achieve their visitation, outreach and programmatic goals.

INFORMATION INFRASTRUCTURE

Effective utilization of technology is a challenge for organizations of all sizes and scope, including the Federal land agencies. Rather than calling for a specific technology system and solutions, we would like to see the FLREA funds devoted to developing a technology infrastructure to drive private sector innovation that improves the visitor experience. We propose that the entrance and recreation fees sent to Washington be used to develop and maintain an electronic resource that compiles visitation and outdoor recreation data across all Federal lands and waters for information, guides, amenities, and reservations into a common visitor-services platform.

Using Recreation.gov as a model for cross-agency collaboration, the visitor-services platform would encourage and enhance tourism and recreation on Federal sites, improve the efficiency and effectiveness of Federal agency operations, enrich the visitor experience for a diverse set of audiences, and create opportunities for private sector collaboration. States and local destination marketing organizations and business would be able to access the data to target their promotional efforts and, working collaboratively, the private sector would be able to develop applications and other tools to better utilize and enhance visitor and recreation programs at the local, regional or national level. One-size-fits-all-solutions won't work for the technology challenges faced by Federal land agencies, but a single resource can drive the targeted solutions that work for the diverse array of Federal lands and communities.

CONCLUSION

These three proposals aim to strengthen FLREA from the perspective of the Federal land management agencies and from the vantage point of local user groups, including the often over-looked gateway communities. These proposals are meant to encourage and enhance visitation and outdoor recreation and to create opportunities for collaboration with States, local communities and the private sector. We stand ready to work with you to advance a FLREA reauthorization that works for all of our Federal lands stakeholders.

Mr. BISHOP. Thank you. I appreciate your testimony. We will turn to Ms. Pemmerl.

Ms. PEMMERL. Ms. Pemmerl.

Mr. BISHOP. Pemmerl.

Ms. PEMMERL. Yes.

Mr. BISHOP. All right. I appreciate that. You are recognized for 5 minutes for your testimony.

**STATEMENT OF ELIZABETH PEMMERL, PRESIDENT, NIC
TECHNOLOGIES**

Ms. PEMMERL. Thank you, Chairman Bishop, Ranking Member Grijalva, and other members of the subcommittee. Thank you for the opportunity to discuss how technology can improve consistency and accountability in the collection and expenditure of Federal recreation fees, and help enhance the visitor experience for those who enjoy our Federal lands. My name is Elizabeth Pemmerl, and I am the President of NIC Technologies, the Federal Government Services Division of NIC, Incorporated.

NIC is the Nation's leading provider of official government Web sites, online services, mobile applications, and secure payment processing solutions. We provide the official Web sites for 29 States, including Utah and Oregon. We focus on building solutions that make it easy for taxpayers to access government information and securely complete all types of government transactions.

We believe that technology can help make a wide range of government operations more efficient, secure, and transparent. Employing the right technology can also save the government money. Agencies devote significant resources to entering data, printing forms, mailing, and storing documents. Online services can help decrease these costs, and recreation programs are no exception.

In States ranging from Maine to Mississippi, NIC provides services that streamline the administration of hunting and fishing systems and various game lotteries. For example, in the State of Hawaii, NIC's online camping system allows visitors to make reservations, buy permits, check site availability, and submit payments. The system then provides reports and transparent financial data back to the State. The State estimates the system saves tens of thousands of dollars per year, compared to the old paper-based processes.

Technology offers additional benefits. It offers consumers choices. Visitors to our Nation's recreation sites want the ability to access government services whenever, wherever, whether on a tablet, a computer, or a mobile device. In the State of Montana NIC helps provide residents and non-residents access to the State's abundant wildlife by offering the online, on-demand purchase of hunting and fishing licenses, and accepting submissions for lottery draws.

Consumers also want to use technology to enhance their visit to Federal lands. Mobile applications could allow a visitor to report an invasive species sighting, or upload photos and tips to a library that is crowd-sourced from visitors to a specific park or recreation area.

Finally, consumers want technology to make compliance more convenient. In Arkansas, hunters have the option to use the camera on their phone to file required game checks via NIC's mobile

application. Now hunters don't have to make a trip to a game warden, or remember to file paperwork days after the hunt.

These solutions are available today, but the sky is the limit on what comes next. It could be making your national park pass available on your iPhone, just like a mobile boarding pass at the airport, or associating GPS data with the purchase of a permit on a mobile device, so that rec fees can be more easily dedicated to targeted regions.

The State of Utah is considering the prospects of wearable technologies. The State, in collaboration with NIC, announced the first government application for Google Glass just last month. The application tells users when the next public bus or tram will arrive at their stop. But perhaps future generations of park visitors will use technologies like Google Glass to pull up trail maps.

We commend Chairman Bishop and the subcommittee for evaluating how technology solutions can play an important role in Federal recreation programs. NIC is proud to contribute to these great success stories for many of your home States. As you reauthorize the Act, we encourage you to consider pilot projects to explore similar innovative partnerships, creative service delivery approaches, and alternative contracting models for these exciting technology solutions.

Thank you for the opportunity to address this subcommittee, and I look forward to any questions you may have.

[The prepared statement of Ms. Pemmerl follows:]

PREPARED STATEMENT OF ELIZABETH PEMMERL, PRESIDENT, NIC TECHNOLOGIES, LLC

Good morning Chairman Bishop, Ranking Member Grijalva, and other members of the subcommittee. Thank you for the opportunity to discuss how technology can improve consistency and accountability in the collection and expenditure of Federal recreation fees, and help enhance the visitor experience for those who enjoy our Federal recreation lands and waters. My name is Elizabeth Pemmerl, and I am the President of NIC Technologies, the Federal Government Services Division of NIC Inc.

OUR COMPANY

NIC is the Nation's leading provider of official government Web sites, online services, mobile applications, and secure payment processing. We provide the official State Web sites for 29 States, including Utah and Oregon. We also provide a comprehensive online service for the Department of Transportation's Federal Motor Carrier Safety Administration (FMCSA) that allows motor carriers to check driver records for prospective employees. Since the Pre-Employment Screening Program launched in 2010, NIC has processed over 2.5 million driver record requests on behalf of FMCSA.¹

We focus on building solutions that make it easy and efficient for taxpayers to access government information and securely process all types of government transactions. In the majority of our engagements with government, NIC is able to build and manage online services at no cost to government agencies. Through our unique self-funded model, NIC provides the upfront funding for eGovernment services, and then recoups our investment through modest fees paid by citizens or businesses electing to use the service. These funds are then rededicated to support the cost of maintaining the web platform, including ongoing improvements and customer support. A 2013 study from the University of Utah found that implementing transaction-based contracting for eGovernment services has saved the State of Utah \$61 million over 5 years.²

¹ See attachment I.

² See Attachment II.

APPLICATIONS FOR RECREATIONAL PROGRAMS

We believe that technology can help make a wide range of government operations more efficient, secure and transparent. Employing the right technology can also save the government money. Agencies devote significant resources to entering data, printing forms, mailing and storing documents. Online services can help decrease these costs, and recreation programs are no exception.

In States ranging from Maine to Mississippi, NIC provides services that streamline the administration of hunting and fishing systems and game lotteries. For example, in the State of Hawaii, NIC's online camping system allows visitors to make reservations, buy permits, check site availability, and submit payments. The system then provides reports and transparent financial data back to the State. The State estimates the system saves thousands of dollars per year compared to the existing paper-based process.

In the State of Maine, NIC launched a campground reservations application on behalf of the Department of Agriculture, Conservation and Forestry in February 2014. On opening day, nearly 1,000 reservations were processed in the first hour.

Technology offers additional benefits—it offers consumers choices. Visitors to our Nation's recreation sites want the ability to purchase passes and permits whenever, wherever—whether on a computer, tablet or mobile device. In the State of Montana, NIC helps provide residents and non-residents access to Montana's abundant wildlife by offering the online, immediate purchase of hunting and fishing licenses and accepting submissions for lottery draws.

Consumers also want to use technology to enhance their visit to Federal lands. Mobile applications could allow visitors to report an invasive species sighting, or upload photos to a library that is 'crowd-sourced' from visitors to a specific park or recreation area.

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These solutions are available today, but the sky is the limit for what comes next.

It would be easy to make your National Park pass available on your iPhone, just like a mobile boarding pass at the airport, or associate GPS data with the purchase of a permit, so that recreation fees can be dedicated to targeted regions. The State of Utah is considering the prospects of wearable technologies. The State, in collaboration with NIC, announced the first government application for Google Glass just last month. The application will inform users when the next public bus or tram will arrive at their stop. Perhaps future generations of park visitors will use Google Glass to pull up a trail map!

We commend the subcommittee for evaluating how technology solutions can play an important role in Federal recreation programs.

NIC is proud to play a role in these great success stories from many of your home States. As you reauthorize the Act, we encourage you to consider authorizing pilot projects to explore similar innovative partnerships, creative service delivery approaches, and alternative contracting models for these exciting technology services.

Thank you for the opportunity to address the subcommittee. I look forward to any questions you may have.

ATTACHMENTS

- I. Case study on NIC's work for the Department of Transportation FMCSA's Pre-Employment Screening Program
- II. Executive summary of December 2013 study from the Center for Public Policy & Administration, University of Utah, *Smarter eGovernment: The Economics of Online Services in Utah*

NIC CASE STUDY: PRE-EMPLOYMENT SCREENING PROGRAM



US. Department of Transportation, Federal Motor Carrier Safety Administration

NIC developed and currently manages the Pre-Employment Screening Program (PSP) for the U.S. Department of Transportation, Federal Motor Carrier Safety Administration (FMCSA). This program is an excellent example of a successful no-cost service deployed for a federal government agency. PSP helps motor carriers review the safety histories of prospective employees as part of the hiring process. NIC provides payment processing, dedicated customer support, and all education, marketing, and outreach for PSP on behalf of FMCSA via a no-cost contract.

Since PSP launched in 2010, NIC has, on behalf of FMCSA:

- Processed over 2.3 million driver records through our secure, Section 508-compliant online service
- Attended over 80 industry events to promote PSP awareness
- Worked closely with FMCSA and members of the motor carrier industry to launch significant PSP enhancements and a PSP iPhone application
- Handled more than 97,000 customer phone calls with average wait times of less than 30 seconds per call

PSP Features

PSP offers convenient and secure online services:

- PSP driver record access for enrolled motor carriers who are prospective employers
- Access for commercial drivers to purchase their personal PSP record
- Access for industry screening companies that are involved in the driver hiring process

Motor carrier companies and other users must enroll to access driver records of prospective employees. Drivers can access their PSP data at any time to verify their record is correct. NIC handles the review and approval of users based on criteria established and managed by FMCSA. Once enrolled, users are provided system credentials and have instant access to PSP records in a convenient dashboard.

This user-friendly, secure online service is an alternative to the process of requesting a PSP record via a lengthy and paper-intensive Freedom of Information Act (FOIA) request.



Aligned Mission

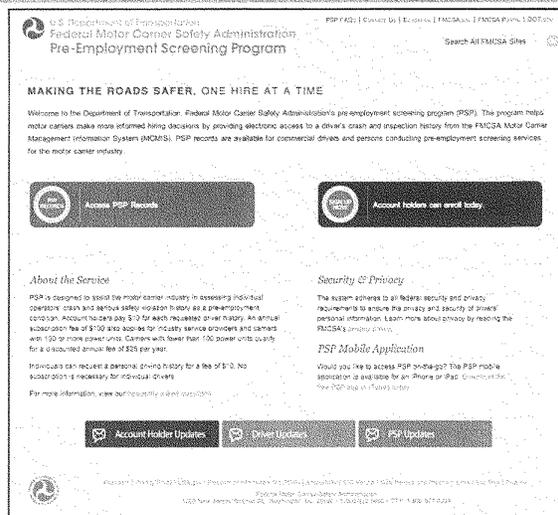
FMCSA is dedicated to improving the safety of commercial motor vehicles and saving lives. NIC supports that mission every day with PSP. According to a 2013 FMCSA Safety Analysis,

“Companies that use PSP have lowered their crash rates by 8%, on average.”

PSP Website

The PSP website is designed, managed and hosted by NIC in accordance with DOT standards, including section 508 compliance.

PSP adopted the same styling as other FMCSA sites, as seen to the right.



PSP Security

NIC meets and maintains compliance with the Federal Information Security Management Act (FISMA) requirements for government systems containing personally identifiable and other secure information. NIC completed a “FISMA moderate” security authorization for the Federal Motor Carrier Pre-Employment Screening Program in 2010 and 2013.

NIC employs best-in-class security tools and processes to ensure that security is a critical component of the software development life cycle. The security assessment process is an exercise that allows NIC to improve and perfect various security measures, rather an exercise of implementing many new procedures that had not previously existed. NIC recognizes that FISMA compliance is a dynamic process that requires vigilance and dedication on the part of all stakeholders. For this reason, NIC employs a second security assessor to execute a continuous monitoring program.

NIC’s No-Cost Experience with FMCSA

NIC engages in a no-cost contract with FMCSA to deliver PSP. This means that FMCSA has no financial obligations for the development, support, design, maintenance, customer service, or education related to PSP. PSP is entirely self-funded through modest convenience fees charged to end-users of the system.

The no-cost contract has allowed FMCSA to realize cost saving in two ways. First, because this project was the result of an unfunded Congressional mandate, FMCSA would have had to allocate budget dollars to information technology, customer service, and program outreach to deliver the service. Our no-cost contract allows FMCSA to utilize resources that would have been spent on PSP to support other mission critical FMCSA safety initiatives. Second, by allowing citizens to fulfill their driver information requests online, FMCSA personnel are available to work on other priorities, rather than fulfilling FOIA requests. Also, FMCSA is not responsible for the cost of significant program upgrades, such as the PSP mobile application.

NIC's no-cost contract with FMCSA was designed to be specific and clear, allowing both parties to easily understand the contract's overall objectives and deliverables. The contract also offers both FMCSA and NIC flexibility in the details of exactly how the program is delivered, managed, and improved. This provides the opportunity for both parties to drive innovation and continuously improve the PSP service. Additional strengths of the contract include:

Facilitating a Collaborative Relationship:

NIC and FMCSA enjoy a productive, collaborative relationship. NIC communicates frequently, and can adjust communication style in accordance with the current project demands. The contract does not dictate how and when communications occur.

Both NIC and FMCSA provide representation from a variety of internal teams; this means that status meetings include robust, informed decisions on topics ranging from information security to program management to public relations and communications. The contract allows NIC and FMCSA to freely share ideas, which results in the best possible program for all stakeholders.

Promoting Aligned NIC/FMCSA Goals:

The structure of the PSP contract ensures that the goals of NIC and FMCSA are aligned. Per the contract, NIC handles all matters of PSP record pricing and fee collection through direct agreements with the end-users, meaning NIC is uniquely incentivized to grow the service.

NIC is responsible for providing an exceptional experience for users by monitoring market demand, handling industry outreach and customer service, and meeting and maintaining compliance with payment card industry security and privacy requirements.

PSP Customer Support Team

NIC's engagement with FMCSA includes all customer support for PSP. Transportation companies and drivers enjoy dedicated full-time NIC representatives available by telephone and email Monday through Friday. The customer service team has successfully handled over 97,000 phone calls since PSP's inception. Additionally, the team has handled over 100,000 emails from PSP users.

NIC is paid on a per-transaction basis by service end-users, so NIC is aware that customer satisfaction is critical to the success of PSP. NIC handles 100% of calls, with average wait times of less than 30 seconds per call. If a PSP user issue is the source of multiple calls, the NIC PSP customer service team submits a recommendation for a PSP improvement to NIC's internal tracking system. These recommendations become the enhancements that are integrated into the PSP system on a regular basis. The no-cost model supports these process improvements.

The dedicated PSP customer service team was recognized as a finalist in the 2011 Government Customer Support Excellence Awards and was also a finalist for the Contact Center Team of the Year for the 2014 Stevie Awards for Sales and Customer Service.

PSP Adoption Rates Due to Outreach

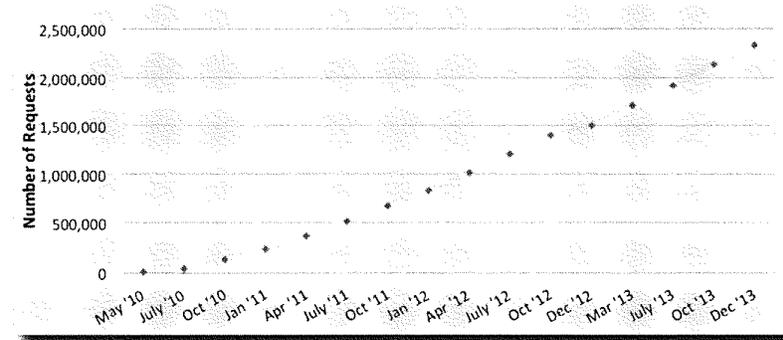
NIC designed and executed a customized, national outreach campaign for the Pre-Employment Screening Program in conjunction with the FMCSA program team. The campaign included attendance at more than 80 industry events in a four-year period, including thousands of miles of travel, with all costs incurred by NIC. Efforts also include webinars, presentations, and exhibitions. PSP has been highlighted in industry publications such as *Transport Topics*, *Overdrive Magazine*, *Landline*, and others. Additionally, NIC manages Twitter content to share information about PSP with the trucking community, interfaces with trade press, provides press releases and media interviews, and designs, manages and prints all marketing collateral. NIC works with FMCSA to edit and approve all communication and content.

Feedback from industry drives ongoing enhancements for PSP. For example, at the request of our industry stakeholders and with approval from FMCSA, NIC expanded access to PSP to a new category of end-users in 2012. This expansion led PSP to win honorable mention in the government to business category for the 2013 Digital Government Achievement Awards.

NIC is experienced in driving participation for any agency using creative approaches like the ones discussed above.

Cumulative PSP Requests By Quarter (2010–2013)

Since its launch, the PSP program has shown strong year-over-year adoption, as evidenced in the following metrics. The graph below shows the overall number of PSP record requests, demonstrating NIC's success in implementing marketing plans to increase adoption of federal services.



Join the largest provider of eGovernment solutions.

Find out how it can work for you.

Please contact Elizabeth Pemmerl, General Manager at 703-841-6360 or epemmerl@egov.com.

ATTACHMENT 2



Smarter eGovernment The Economics of Online Services in Utah

The way government operates is changing. Just as the business sector tapped into technology to change how it interacts with its customers, government is finding ways to better serve its customers. The key to this improved service is eGovernment - the process of delivering information and processing government transactions digitally through web, phone, mobile, and point-of-purchase channels.

Beginning with the launch of eUtah.org in 1999, the state of Utah has proactively developed new online services to meet the demand of both citizens and businesses.¹ Today, Utah.gov offers more than 1,000 online services. Examples are easy to come by when describing eGovernment services - renewing a car registration, ordering birth certificates, or filing income taxes online are just a few.

There are multiple benefits of online services for consumers, businesses, and the state.ⁱⁱ This study focuses on the financial benefits for Utah in the form of cost avoidance, which is the cumulative difference between the costs of providing a service online and the costs for providing the same service offline (i.e., in person at a government office, by phone, or by mail).

The results show that by providing online services Utah has avoided significant costs in the past five years. These savings are a result of moving services to an online format as well as the use of the self-funded model. The findings indicate the average cost to provide a service in an online format is significantly less than providing the services in an offline format. Because of the lower online costs, the state has avoided an estimated \$46 million. In addition, by relying on the self-funded model the state avoided approximately \$15 million more in costs; resulting in a five-year total cost avoidance of approximately \$61 million as a result of effectively implementing eGovernment solutions.

1000+ online services

Beginning in 1999 with just one service, Utah.gov now offers 1,000+ online services.



¹Subsequently changed to utah.gov.

ⁱⁱ Benefits of online services include financial benefits to government, financial benefits to consumers, social benefits, and the contribution to broader government objectives. The National Office for the Information Economy and DMR Consulting, "E-Government Benefits Study" Commonwealth of Australia, April 2003.

Study Design

As the state has experienced tremendous growth in both the number of services it offers through Utah.gov and the number of visitors to the state website, it is valuable to determine the financial benefits to agencies and thus to the state and its taxpayers.

The 25 online services with the highest transaction totals are the gauge for this research. These services were selected from the 2010 Utah.gov Online Service Report by the Utah Department of Technology Services. Data was requested from the respective agencies for the 25 services; however, agencies were able to provide adequate data for 19 of the services (see Table 1 for the list of services included in the study).

Online vs. Offline Format

A number of services offered through Utah.gov are available in both an online and offline format. In general, the cost for providing the services in an online format is less for the agency than providing the services in an offline format.

In a cost comparison between online and offline formats, nine services have a lower per transaction cost for online services, while four services see a higher online cost for each transaction.ⁱⁱⁱ The average cost (per transaction) for these agencies to provide the service online is \$3.91; to provide the same services offline, the average cost is \$17.11 - a difference of \$13.20 per transaction.

Online Service	Agency
Transparency Website	Administrative Services
Business Entity Search, UCC Filing, and UCC Search	Commerce
Continuing Education for Contractors (approval process)	Commerce
One Stop Business Registration	Commerce
Professional License Verifications	Commerce
Real Estate License Renewals	Commerce
State Construction Registry	Commerce
Vital Event Records	Health
Agent Hunting & Fishing Licenses	Natural Resources
Campground Reservations	Natural Resources
Educator License Renewal	Office of Education
Impound Vehicle Services	Tax Commission
Title & Lien Request	Tax Commission
Tax Express	Tax Commission
Tax Payments	Tax Commission
Vehicle License Renewals	Tax Commission
<ul style="list-style-type: none"> • On the Spot (OTS) • Renewal Express(REX) 	
Express Lane Transactions	UDOT
CHIP Payments	Workforce Services
Job Referrals	Workforce Services

ⁱⁱⁱ Data was requested for all 25 services; however, adequate data to complete a cost comparison between online and offline services was only provided for 13 services.

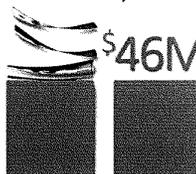
Cost Avoidance over 5 Years

Calculating cost avoidance resulting from conversion of services to an online format is not a trivial undertaking.^{iv} The total cost avoidance is the product of the number of online transactions demanded and the cost avoidance per transaction as reported by each agency (transaction demand x cost avoidance = cost avoidance).

For example, if service A had a transaction demand of 2,000 over a five year period and the cost avoidance for this online service was \$10 per transaction, then the total cost avoidance for this service was \$20,000. The cost avoidance total is a conservative estimate because it is unlikely that another delivery method for offline transactions could be implemented that matched the same constituent-perceived quality and price of the online portals for the same or lower cost as the offline transactions.

financial savings

By moving nine services to online, Utah avoided up to \$45,911,391 in costs over five years.



The findings of the cost avoidance analysis indicate that Utah has avoided significant expenses by providing services in an online format. For the nine services used in the study, a cost avoidance of nearly \$46 million is seen over a five year period.^v Considering the hundreds of other online services provided by the state, it is expected that the savings are even greater.

Self-Funded Model

Many state agencies in Utah work with an independent contractor, such as NIC's Utah Interactive subsidiary, and use a self-funded model to fund the expenses of providing online services. There are two basic components of the self-funded model. The first involves modest user efficiency fees (also termed transaction fees) that are added to a select number of transactions and charged to the end user. These efficiency fees cover the private sector provider's costs to build, manage, and

^{iv} Inherently, there are differences in the constituents' perceptions of quality (convenience, efficiency, etc.) and price (actual transaction price coupled with the reduced time required to complete the transaction) between online and offline delivery of services. Any model used to derive the cost avoidance must rely on assumptions about the substitutability of the offline for the online service. This study takes an approach that assumes that each agency had some offline means of delivering services that the constituents perceived as identical in quality and price to the online services. Because there is no way of objectively estimating a ceteris paribus level of offline transactions assuming the program was never offered online, the study assumes that leaders would have decided to strive for the same level of constituent services provided by the online portals by using some other delivery method. If they had been able to achieve that same level of constituent-perceived quality and price, then it would follow that the level of transaction demand would be identical to the actual demand levels for online transactions from FY2007 to FY2008.

^v Data was requested from agencies for all 25 services; however, agencies provided data to analyze the cost avoidance for nine services. The remaining services did not have data, had inadequate data, or did not have an offline format of the service.

enhance eGovernment services across the state. The second component of the self-funded model allows the private sector provider to develop additional online services at no cost to the agency or the consumer. An example is the online voter registration service provided free of charge for the Lieutenant Governor's office by NIC's Utah Interactive. As a result, Utah and other states use the self-funded model to provide eGovernment services without requiring the use of appropriated taxpayer dollars.^{vi}

Utah Interactive provides more than 600 online services for the state of Utah through Utah.gov. The vast majority of these services (86%) are not financially self-sustaining. Under the self-funded model, Utah Interactive incurs direct costs for building, managing and maintaining the Utah.gov portal and the 600 online services. These costs include the following: 1) information technology; 2) project management and marketing costs; 3) Utah.gov management and customer services; and 4) other operational administrative costs.

The estimated costs for providing these services under the self-funded model are approximately \$15 million. These are costs that the state of Utah would have likely spent to deliver a comparable in-house portal solution, but has avoided because it uses NIC's services under the self-funded model. This self-funded cost avoidance calculation is in addition to the \$45 million cost avoidance noted above.

Conclusion

eGovernment has a positive track record in the state of Utah. The growth in eGovernment services is significant and equaled by the high level of use by citizens and business. In 2011, the number of average monthly visitors to Utah.gov was nearly 1.3 million. These individuals and businesses accessed a wide range of services such as license renewals, business filings, and tax payments. Without question, Utah's tech-savvy citizens are using the Utah.gov portal increasingly as their first point of contact for state information and services.

As technology changes and the digital divide disappears, governments throughout the nation are finding more reasons to provide services online. The potential benefits of e-Government for citizens are numerous, such as saving time and money, ease of use, and convenience of accessing services 24 hours a day, 7 days a week. Beyond these benefits, eGovernment produces significant cost savings.

For both government and citizens, eGovernment is a smart choice.

^{vi} Developed by NIC, the self-funded model allows governments to offer eGovernment services without using upfront taxpayer funds. The self-funded model may or may not include a transaction fee charged to the consumer. NIC collects a nominal transaction fee for a limited number of high-volume applications to cover the costs of building and managing thousands of online services on behalf of federal, state, and local governments across the country.

Mr. BISHOP. Thank you for your testimony.
Mr. Crandall.

STATEMENT OF DERRICK CRANDALL, PRESIDENT, AMERICAN RECREATION COALITION

Mr. CRANDALL. Thank you, Mr. Chairman. Thank you, also, for the opportunity to appear here, Mr. Grijalva and Mr. DeFazio.

It is fun to be coming down the reverse way, because I am now in a position where I can say amen to all of the comments that have been made by the predecessors on this panel. We absolutely agree with the sentiments that Todd Davidson has expressed, in terms of the importance of outreach and promotion, certainly agree with NIC's testimony about the use of technology. There are some great opportunities to do there. In fact, I guess I would premise my whole presentation here today with saying there is consensus on fees that is often hidden by the fact that we are talking about certain issues that obscure the broad support.

Most of the fees are collected by people who stay very close to develop sites on Federal lands, and that is where there is great consensus. In fact, I would note the submission to the hearing record of a letter signed by more than 30 organizations, including AAA and the National Wildlife Federation and the National Tourist Association, talking about basic principles on fees, where there is broad agreement.

I would like to address just three issues. The first is that the name of this bill is the Federal Lands Recreation Enhancement Act. In fact, it reflects an attempt begun in the 1990s to understand that Americans deserve good experiences when they go on to Federal lands. That includes improved facilities that, in most cases, the appropriations process cannot provide.

Americans are not looking for free or low-cost recreation experiences as much as they are looking for good value. They are looking for campgrounds that respond to their expectations. In many cases, that does mean showers. Unlike in Yosemite, where we have 1,500 campsites and zero showers, most people, when they go to a campground, do expect an ability to take a shower, or to be able to access the Internet on WiFi. So, we are looking for opportunities to do that, and fees are certainly an opportunity to do that.

As you look at the recreation facilities on Federal lands, large percentages of the recreation infrastructure do not meet the agency's own standards for acceptable conditions. In fact, that is being exacerbated by a continued increase to the deferred maintenance backlog on a year-to-year basis. We need to be addressing that, and fees are one vital tool in doing that.

The second issue I would like to especially discuss today is the importance of including all of Federal recreation-providing agencies under this provision, under the recreation pass authority. We do not now have U.S. Army Corps of Engineers covered under FLREA. It is important that they do be brought into the fold. They were under the authority of the Land and Water Conservation Fund and the Golden Eagle Pass in 1964 because of congressional jurisdictional issues. They were not part of fee demo, and they were not included in FLREA. We would urge that they be included in any legislation coming from this committee.

The final issue I would like to respond to and to emphasize the importance of what Mr. DeFazio was talking about, in terms of information, Americans are used to getting information on what they

buy or where they go through TripAdvisor, or through comments on the Best Buy Web site. That kind of information is long overdue, to try to ensure that we have knowledgeable visitors to areas.

We cannot provide the recreation experiences that people seek everywhere; if they expect to use a mountain bike and they go into Yosemite National Park, they will be unsatisfied. But we have mechanisms in place today to use technology to help people find the experiences that they are seeking. We are not doing that.

As my testimony describes, there is a misunderstanding of the restrictions that the Federal agencies have, in terms of use of their resources, both appropriated and earned. In many cases, we hear that we can't advertise, we can't use appropriations to advertise. We looked at that. We find no prohibition. The only requirement is that use of appropriated funding for advertising and other kinds of promotion needs to be made clear to the Congress as to how it is used.

But as we look at recreation.gov, and the earnings from recreation.gov, the payments for those who are making reservations, certainly some of that revenue stream could be used to provide better information to the people who intend to go to their lands, their national forests, their national parks, their BLM LANDS, to have the kind of experiences that they seek.

Great opportunities. We thank you so much for the interest of this committee. We look forward to working with you.

[The prepared statement of Mr. Crandall follows:]

PREPARED STATEMENT OF DERRICK CRANDALL, PRESIDENT, AMERICAN RECREATION COALITION, ON H.R. _____

Mr. Chairman and Distinguished Members, the American Recreation Coalition (ARC) appreciates the opportunity to applaud the interest of members of this committee and others in continuing and enhancing the experiences of the public as they visit a great American legacy—the federally managed lands and waters covering nearly one-third of the surface of this Nation. There are many reasons to strengthen the connection between today's and tomorrow's Americans and the outdoors, and the topic of this hearing is a key means to pursue this connection.

I am Derrick Crandall and I am delighted to offer testimony on behalf of the members of the American Recreation Coalition—more than 100 national organizations, representing virtually every segment of the Nation's \$650+ billion outdoor recreation industry, and tens of millions of outdoor recreation enthusiasts. Our organization has played an active role in Federal recreation policy since its creation in 1979, especially on funding Federal recreation programs. ARC played an active role in the President's Commission on Americans Outdoors in the 1980s, which served as the catalyst for a variety of important and successful funding initiatives ranging from expansion of the Dingell-Johnson program to the Recreational Trails Program and the Fee Demonstration Program of 1996, precursor to FLREA.

Outdoor recreation is a vital and positive force in our Nation today. Many Americans participate in outdoor recreation today, and a major catalyst for this involvement is the marvelous shared legacy of our Great Outdoors—1 in 3 acres of the surface of the Nation managed by Federal agencies and hosting well in excess of a billion recreation visits annually. Americans spend some \$650 billion annually on fun outdoors—and our Great Outdoors is a vital element in attracting international tourists.

The benefits accruing from recreation participation are significant, and the appreciation for these benefits is growing. The economic significance of outdoor recreation is obvious in communities across the Nation, and especially those communities proximate to federally managed lands and waters. From boat dealers to campground operators, from RV manufacturers to ski rental shops, from retailers selling outdoors goods to guides and outfitters, tens of thousands of businesses and millions of Americans are supported by the expenditures on recreation by American families. And increasingly, America's recreational opportunities are a key factor in luring inter-

national visitors to enjoy the world's best systems of parks and forests, refuges and other public sites.

The role of recreation in addressing serious concerns about the increasing inactivity-related obesity of the American people, especially our young people, is also significant. According to the Department of Health and Human Services, 7 in 10 deaths are attributable to preventable, chronic diseases—like diabetes, heart disease and some forms of cancer—associated with obesity and inactivity. In addition, a national study has shown that nearly 20,000 children and adolescents in the United States are diagnosed with diabetes every year. A critical cause is the tripling in the rate of obesity among young people since the 1970s. We believe that the average of 11 hours of daily screen-time is a major contributor. An important antidote to this alarming picture is more active fun through outdoor recreation. We also believe that recreation opportunities on our Nation's public lands, including our national parks, are an essential asset in the effort to encourage people to change their behavior and start enjoying the outdoors.

Mr. Chairman, the recreation community appears here today to share its views on the Federal Lands Recreation Enhancement Act (FLREA), which this subcommittee helped to shape prior to its enactment in December 2004. FLREA authorizes the collection and retention of entrance and recreation fees for most of the major Federal recreation providers: Bureau of Land Management, Bureau of Reclamation, National Park Service, U.S. Fish and Wildlife Service, and the U.S. Forest Service. While management of recreation on our Federal lands remains funded primarily by appropriations of general funds, FLREA supplements those appropriations with more than \$300 million annually in entrance fees, campground fees and other recreation-related charges.

We applaud the Congress for labeling this legislation appropriately. We testify today not in favor of fees, but in favor of Federal Lands Recreation Enhancement. Fees are one important tool to help reach this goal—but FLREA fees are neither the only tool nor a goal in themselves. Recreationists pay for good recreation opportunities in many ways. Boating and fishing enthusiasts buy licenses and register boats and pay Federal and State gas tax on the fuel used in their activities—and most of these special user fees help to provide access to public waters, support water quality and fisheries improvements, manage the enjoyment of these activities and more. Recreationists also aid the quality of recreation in other ways, including volunteerism and philanthropy. FLREA-authorized fees must be considered in this context.

Our support—and in fact overall public support—for well-designed and well-understood Federal recreation fees is strong. In 2012, the agencies reported to the Congress visitor satisfaction with fees at rates that ranged from 83 percent (Forest Service) to 94 percent (National Park Service). However, recreation fees can cause controversy. In particular, some Forest Service and Bureau of Land Management fees have generated enough opposition to prompt senior and influential Senators from both political parties to introduce legislation to repeal FLREA.

We believe that most controversies surrounding FLREA-authorized fees result from agency failures to appreciate the role of fees as a tool, and not as an end in itself. Where the public seeks good facilities and services and finds them available at a Federal recreation site, support for fees is high. In particular, support for retention of most collected fees for use at and near the collection point is high.

Attitudes toward FLREA have been complicated by Federal budgets and agency decisions which have reduced recreation access and services. The recreation community believes that much of the revenue collected under FLREA is simply offsetting reductions in general funding of Federal recreation programs. This does not reflect the nature of the agreement when FLREA was created 10 years ago. FLREA was to help in expanding the quantity and quality of recreation offerings on Federal lands and waters: better trails and better campgrounds, easier access to public waters and more interpretive and educational opportunities.

Based upon nearly 20 years of experience with legislation which authorizes collection and retention of recreation fees, we support continuation of this authorization. We have worked with a large and diverse coalition of recreation, conservation and tourism organizations to articulate core principles which we feel should guide Federal recreation fee policy. These principles have been submitted to the committee and are also attached to my testimony. I include them here, as well:

1. Federal recreation sites should be authorized to collect and retain fees for entrance to parks and selected other areas and for recreational services and visitor facilities involving significant investments and operational costs.

2. Collected fees should be used principally at sites where the fees were collected, serving those who paid the fees, and collected fees should be spent within a reasonable amount of time.
3. The U.S. Army Corps of Engineers, the largest single Federal provider of recreation experiences, should be included under FLREA to unify Federal fee programs and eliminate current complications for visitors.
4. The Federal recreation fee collection process should be as transparent as possible, allowing all interested parties the chance to see annual information on fee collections and use.
5. Expenses of fee collection are a legitimate use of fee revenues but all efforts should be made to minimize these costs.
6. Federal recreation site fee efforts can and should be integrated where possible with other fee collection programs, including of other Federal sites and agencies and with State recreation fees and licenses. State fee programs should be encouraged which support recreation on Federal lands—including trail programs. Models for this include the Winter Park Passes in several north-western States and programs like the California “green sticker” program.
7. Public involvement in Federal recreation site fee programs is vital. The first step is better notification of fee program proposals. Notification of new and changed fees should be made to all obviously affected organizations and local citizens, and should also be made through: (1) the Federal Register and (2) alerts to individuals and organizations requesting notification through www.recreation.gov, registering their interest in types of fees, geographical regions, agencies and other appropriate categories. Formal comment opportunities should be required and can include Recreation Resources Advisory Committees and Resource Advisory Committee requirements, but Congress should allow the Forest Service and BLM to develop alternative public involvement models, submitted to the appropriate Congressional committees. The committees shall have not less than 90 days to consider these proposals. A submitted model may be disapproved by vote of either committee or by a joint letter by the Chair and Ranking Member of one or both of the committees.
8. Fee payment should be as convenient as possible to visitors. Use of commonly used non-Federal payment systems, such as EZ-Pass and PayPal, should be tested. Prepayment of entrance fees through inclusion in reservations for campsites, lodge rooms and other reserved services, and by sales in gateway communities, should also be encouraged.
9. Reauthorization of the Federal recreation fee program should be for a minimum of 6 years and not more than 10 years.
10. Fees collection by concessioners and third parties, including other governmental agencies and organizations which operate and maintain recreation services and facilities, should be authorized.
11. Fees for special recreation uses and events may be required but should not unreasonably deter legitimate uses of Federal recreation sites nor discourage partnerships with third-party organizations.
12. Agencies that receive funds through FLREA are encouraged to fully utilize Public Lands Corps Act authority to complete FLREA-funded projects that meet FLREA objectives such as enhancing visitor services. Use of conservation corps on these projects is likely to deliver lowered costs and will provide jobs for local young people and veterans and connect younger Americans with the Great Outdoors.

There are three additional issues we urge you to consider as you prepare FLREA to meet the needs of the 21st Century.

First, Americans gain little from great places that are invisible to them. And much of the Great Outdoors is not on the radar screens of younger, more urban and more diverse Americans. Greatly improved Web sites, use of social media and a re-directed www.recreation.gov can help us deal with Federal site visitations that have lagged far behind population growth. For years, Federal recreation programs have declined to partner with gateway communities, with concessioners and permittees and with others on outreach and promotion, perpetuating and exacerbating patterns favoring well known sites and peak periods. We are heartened by the participation of most major Federal recreation providers in the IPW show which begins in Chicago tomorrow. We are heartened by the plans of the National Park Service to work with partners on a campaign linked to its Centennial to promote visitation. Yet we too often hear that advertising and promotion by Federal land agencies are prohibited by law. We strongly disagree. The restrictions we see simply require notice to the Congress about use of appropriated funds for advertising—paying for ads.

We see no prohibition on partner-based promotional activities designed to shift demand to lesser visited sites or to non-peak periods. And in fact we would appreciate this committee making it clear to the agencies that building awareness and promotion are legitimate uses of a portion of FLREA receipts. In the private sector, and even in some State parks, a percentage of gross receipts used for promotion is seen as vital. Perhaps a portion of overall www.recreation.gov revenues should be earmarked for partner-based promotion efforts.

Second, we support providing senior Americans with special benefits associated with the Great Outdoors. We believe the current benefit of lifetime free access for a one-time fee of \$10, with an additional benefit of 50 percent reductions of campground and certain other fees, no longer represents the best use of deferred fees. This benefit effectively imposes excessive costs on others, including families with young children. We would support changes in the special benefits offered to seniors in one or more of the following ways:

- a. 50 percent discount of the annual America the Beautiful (ATB) Pass;
- b. Changing the age of eligibility for a senior pass to the age at which an individual is entitled to full Social Security benefits.
- c. Maintain the lifetime provision but at the higher cost: the current annual price of the America the Beautiful pass.

Third and finally, we support the annual free pass to America's active duty servicemen and servicewomen. They put their lives in harm's way to protect the values which are reflected in our Great Outdoors. This is now done under the discretionary authority of the Secretaries of Agriculture and the Interior. We support codifying this and adding one more provision. We believe all recipients of a Purple Heart should qualify automatically for a lifetime disability pass. The costs associated with this provision will likely apply only to recent Mideast conflicts, since honorees for service in Vietnam and before are now virtually all eligible for lifetime senior passes—approximately 50,000.

Purple Hearts have gone to those injured in the Persian Gulf War, in Afghanistan and in Iraq. Any awardee with permanent injuries would be eligible for the existing free pass for any disabled American—this would simply eliminate the need to prove disability.

We believe these changes would be valuable, win/win components for revitalized Federal recreation programs that succeed in providing benefits to all Americans in the 21st Century. Thank you for your interest and your actions to assist enjoyment of America's Great Outdoors. We urge rapid action on legislation to achieve the goal set forth in the title of the Federal Lands Recreation Enhancement Act.

Mr. BISHOP. Thank you. I appreciate your testimony.
Ms. Benzar.

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

Ms. BENZAR. Good morning. The proposed legislation should be rejected because it would bring us back to the fee demo days when Federal land management agencies could charge the public fees to visit virtually any area of our public lands. For 30 years, recreation fees were governed by the Land and Water Conservation Fund Act, which contained this statement of congressional intent—and I quote—“The purposes of this Act are to assist in preserving, developing, and assuring accessibility to all citizens of such quality and quantity of outdoor recreation resources as are necessary and desirable for individual active participation, and to strengthen the health and vitality of the citizens of the United States.”

Fee demo suspended that commitment to health and vitality for 8 years, during which the agencies experimented with anything-goes fee authority, treating the natural world as a market commodity, while charging whatever the market would bear for any experience on which a price could be placed. The results of the ex-

periment clearly showed that some fees the public willingly accepts, and others they do not.

FLREA was Congress's attempt to apply those results and define a framework of limits and rules on recreation fees. When Congress enacted FLREA, it again expressed its commitment to the public's interests. The then-Chairman of the House Resources Committee said of FLREA, "This will put an end to fears that Federal land managers cannot be trusted with recreational fee authority, because we lay out very specific circumstances under which these fees can be collected and spent."

Indeed, FLREA contains common-sense prohibitions on fees for basic access in language Federal courts have found clear and unambiguous. The Forest Service and BLM, however, have evaded FLREA's requirements and restrictions, and FLREA has failed to achieve its objectives. These agencies cannot be trusted to honor congressional intent, and you cannot afford to enact new fee authority that is less than crystal clear in its vision and purpose.

But instead of recommitting to a vision and purpose, this draft would change the law to fit past misbehavior. It would effectively transfer ownership of our public lands from the people to the agencies, and demote citizens from owners to mere customers. The bill fails to express a vision or delineate a framework. It fails to acknowledge the rights of citizens to recreational use of their public lands, or congressional intent to protect those rights from agency overreach.

FLREA contains what Congress thought were iron-clad prohibitions on fees for hiking, riding, or boating through undeveloped Federal lands, solely for parking or for general access. Forest Service and BLM have not followed those provisions nor many others. They have become expert at taking phrases in FLREA that say one thing, and twisting them to mean the opposite.

We need a bill that is so clearly written and unambiguous that not even the most clever wordsmith can contort its meaning. The draft being considered today is not that bill. It is riddled with ambiguous and contradictory language. It sets the requirements for charging fees at such a low threshold they might as well be non-existent. The prohibitions on charging fees for certain activities are muted by overly broad authority granted elsewhere. The limits on overhead and collection costs are loosened, and accountability is weakened.

For example, FLREA requires that a permanent toilet be provided at a fee area, but the draft bill calls for a regularly serviced and well-maintained toilet facility. Based on 10 years of experience with how the Forest Service and the BLM think, that means porta-potties. As long as those porta-potties—pay toilets, really—are provided, the agencies will act as if Congress had given them the authority to charge a fee for access to all the land around the potty, as well as to the undeveloped back country beyond.

A new and urgent concern is the ruling handed down last week by the D.C. Circuit Court making concessionaires completely exempt from the rules that apply to the agencies. This is a Get Out of Jail Free Card for the Forest Service that would remove its recreation policies from congressional oversight all together. There

is not time in my brief statement to address this, but I hope someone will ask me a question about it.

In my written testimony, I have submitted alternative draft language that would allow reasonable fee authority within a framework of clear requirements and limits. It is guided by a commitment to public ownership and access, and this alternative takes into consideration input from a wide variety of recreational visitors, and would likely achieve broad support.

But regardless of what you enact, you must make it clear that Congress remains committed to a robust system of public lands, where the public has access and feels welcome. Please don't surrender to Forest Service and BLM overreach. Thank you very much.

[The prepared statement of Ms. Benzar follows:]

PREPARED STATEMENT OF KITTY BENZAR, PRESIDENT, WESTERN SLOPE NO-FEE
COALITION ON H.R. _____

I am Kitty Benzar, President of the Western Slope No-Fee Coalition, an organization that has been working since 2001 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 while the Federal Lands Recreation Enhancement Act is not perfect and is not being properly implemented in many areas, the proposed bill would be a huge step backwards. It would return us to the days of "Fee Demo" when the Forest Service and BLM could charge the public simply to park their car and go hiking, riding, or boating in undeveloped areas without using any developed amenities.

For 18 years, the "pay to play" approach to recreation has transformed our National Forests and BLM lands from places where everyone has a basic right to access into places where we can be prosecuted for not having a ticket of admission.

For 18 years the Federal land management agencies have viewed American citizens as customers rather than owners, and have increasingly managed basic access to outdoor recreation as an activity that must generate revenue, rather than as an essential service that promotes a healthy active population.

Congress gave the agencies Fee Demonstration authority in 1996 to test, as an experiment, unlimited fees and see what worked and what didn't, what the public would accept and what they would not. With this encouragement, the agencies embarked upon a new paradigm in public lands management. For the first time, the Forest Service and BLM began requiring direct payment for admission to the National Forests and other public lands under their management. Simple things like a walk in the woods or paddling on a lake at sunset became a product that could be marketed and sold to paying customers.

Opposition to Fee Demo was overwhelming and widespread. From New Hampshire to California, from Idaho to Arizona, Americans from all walks of life and all political persuasions raised their voices against a fee-based system for basic access to outdoor recreation. Resolutions of opposition were sent to Congress by the State legislatures of Idaho, Montana, Colorado, Oregon, California, and New Hampshire. Counties, cities, and organizations across the Nation passed resolutions opposing the program. Civil disobedience was widespread, and in response enforcement became heavy-handed. Criminal prosecutions of people who simply took a walk in the woods without buying a pass were disturbingly frequent.

Congress terminated the experiment in 2004 by enacting FLREA to set limits and scale back on fees based on what Fee Demo had shown. FLREA's limiting language, had it been honored by the agencies, could have achieved this and might have calmed much of the public's opposition. For example, FLREA prohibits fees:

"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."

While the agencies made the appropriate changes in a few areas once FLREA was passed, in most places they carried on as if nothing had changed and recreation fees continued to spread to thousands of undeveloped and minimally developed areas. Americans are still being charged fees for such basic activities as: roadside parking,

walking or riding on trails, access to vast tracts of undeveloped public land, and even for such fundamentals as the use of toilets. Even FLREA's straightforward requirement that a "permanent toilet" be provided before a Standard Amenity Fee can be charged has been interpreted to allow roadside porta-potties because then, according to the agency, they can charge a fee for access to all the undeveloped backcountry beyond the road. Rather than fix these problems of maladministration of FLREA, the proposed bill makes them worse by cementing them into the law.

Recreation access fees are a new tax and they are a double tax. Americans already pay for management of their Federal public lands through their income tax, but these fees are an additional tax, levied directly by the agencies and distributed without congressional oversight. For those who enjoy motorized recreation, or who hunt or fish, they are a triple tax, because after paying State license fees as well as Federal income taxes, they often must also pay an access tax to enjoy recreation on their public lands.

It is also a regressive tax. It puts the burden of public land management on the backs of Americans who live adjacent to or surrounded by Federal land. In rural counties in the West, where in many cases over 80 percent of the land is federally managed, public lands are an integral part of life. Citizens in these areas, who are often just scraping by financially, should not have to buy a pass just to get out of town.

This regressive tax falls most heavily on lower income and working Americans. Two separate studies conducted 10 years apart and on opposite sides of the country reached the almost identical conclusion that fees have caused nearly half of low-income respondents, and a third of all respondents, to use their public lands less. This has been reflected in declining visitation across agencies and geographic areas. For example, the Forest Service's visitor use estimates have fallen from 214 million visits annually in 2001 to only 161 million in 2012.

Fee Demo and FLREA have been a financial failure as well. GAO reports have revealed hidden administrative costs, fees being collected far in excess of operating costs, and agencies being unable to provide accurate and complete accountability for their fee revenue. The backlog of deferred maintenance, which was the initial justification given for Fee Demo, has continued to grow instead of shrinking, and appropriated funding disappears into agency overhead instead of making it to the ground. Instead of increased recreational opportunities, sites have been closed and facilities removed if they are perceived by the managing agency as inadequate generators of revenue.

The powerful incentive embodied in fee retention has proved to be too much for the agencies to resist. They have used an undefined word here and an ambiguous sentence there to justify the implementation of policies that nullify the protections on public access that FLREA was supposed to provide. Contorted interpretations of FLREA's Standard Amenity Fee and Special Recreation Permit Fee authority have led to de facto entrance fees to hundreds of thousands of acres of undeveloped Federal recreational lands.

The best way to curb these abuses and restore common sense to fee policy would be to end the authority for fee retention and return fees to the Treasury for appropriation and oversight by Congress. As long as they get to keep all the money they can raise, the agencies will inevitably seek to find and exploit every weakness they can in the wording of any limiting law.

But if Congress decides that fee retention is to continue, then it is imperative that the restrictions and prohibitions on where, and for what, fees can be charged must be spelled out very clearly, and there must be a procedure for citizens to challenge fees that do not appear to comply with the law.

I applaud the Chairman and this subcommittee for acting to reform Federal fee policy. However I regret to say that the draft language under discussion today would make the situation far worse. It does not provide sufficient safeguards to counterbalance the powerful incentive of fee retention and protect the public's right to basic access as expressed in FLREA. Instead, it provides strong new incentives to develop more facilities in more places—facilities the public neither needs nor wants—simply in order to be able to charge fees.

Fees for use of developed facilities such as campgrounds are reasonable and have been well accepted, and we support them. But that should not be allowed to evolve into a situation where the agencies have an incentive to add facilities, not because the public needs or wants them, but because they want to be able to charge fees. A careful reading of this bill, in the context of the agencies' past actions, shows that they would charge a fee anyplace that there is any sort of toilet in the vicinity—even a porta-potty. The amenities threshold of where fees could be charged would be reduced to nearly zero. This bill would be a throwback to the anything-goes

authority already proven to be a failure under Fee Demo. “Pay to play” would become “pay-to-pee.”

The concept of shared ownership, shared access, and shared responsibility, which should be based on a long accepted tradition that on Federal lands facilities will be basic, would be lost under this draft bill. Federal facilities should remain basic specifically so that we can afford to make them available to everyone.

When I testified before you in June last year, I provided numerous examples of how the Forest Service and BLM have evaded the restrictions on fees that are in the current statute. They have amply demonstrated their ability to use any small ambiguity or conflicting language to go far beyond congressional intent as expressed in the law. Unfortunately, this draft bill contains many ambiguities, inconsistencies, and internal conflicts, which the agencies would certainly exploit to do more of the same.

Fee authority as currently being implemented has taken ownership of these lands out of the hands of the public and given it to the land management agencies. This is a change in relationship that is most disturbing. The draft under consideration would exacerbate instead of correcting it. It is time for the public, acting through our elected Federal officials, to re-assert ownership of our public lands from these agencies that have forgotten that *it's not their land!*

New legislation should ensure that:

- fees are focused on use of developed or specialized facilities for which there is a demonstrated need; in particular, any fee areas should, at a bare minimum, require “permanent” toilet facilities, not just porta-potties as the proposed bill would allow;
- entrance fees are limited to National Parks and Wildlife Refuges;
- concessionaire fees are governed by the same requirements as agency fees;
- fees for special uses are carefully defined and never applied to private, non-commercial use of undeveloped or minimally developed areas;
- no incentive is given to the agencies that would encourage them to install facilities for the purpose of creating additional fee sites and revenues;
- ironclad agency financial accountability is established.

FLREA was Congress’s attempt to replace Fee Demo with legislation that would provide the agencies with appropriate, albeit limited, fee authority. Ten years after the passage of FLREA we can now see what its weaknesses are and where opportunities for improvement lie. Appended at the end of this testimony is suggested alternative language for your consideration. It represents our best attempt to ensure that the agencies are granted reasonable and well-defined fee authority, while protecting the public lands from costly unneeded development and protecting the recreating public from an onslaught of new and ever-higher fees. I believe that this draft, based on a more than decade’s worth of input from a wide cross-section of recreational visitors to Federal lands, more nearly meets the requirements listed above than the bill under discussion. It would close the loopholes in FLREA that the agencies have been able to exploit, and create an equitable recreation fee program that would enjoy wide public support. I urge you to consider it.

Mr. Chairman and members of the subcommittee, thank you for your consideration and for allowing me to testify before you today.

Attachment: Alternative Discussion Draft Language.

ALTERNATIVE DISCUSSION DRAFT—RECREATION FEE LEGISLATION

SEC. 1. SHORT TITLE, PURPOSE, AND TABLE OF CONTENTS

- (a) Short Title—This title may be cited as
- (b) Purpose—

To amend the Federal Lands Recreation Enhancement Act to allow certain Federal Agencies, under strictly conforming and duly adopted guidelines, to establish certain nationally consistent fees on public lands where specified facilities are regularly available and regularly maintained for public use, and for certain special uses of public lands.

It is the intent of Congress, in this Act, to expand access for all Americans and visitors to healthy and active outdoor recreation activities and other benefits offered by a system of federally managed lands. Further, it is the intent of Congress that the recreation fee program authorized under this Act take into consideration that Federal lands are public lands for which other funds are made available by Congress and fees are not intended to

cover the entire cost of recreation management. Recreation fees are supplemental to funds provided by Congress and should only be imposed where there is a demonstrated need to provide supplemental benefits; thus fee revenues should be expended to directly benefit those who paid them.

Nothing in this Act shall be interpreted or implemented to allow recreation facility fees on public lands or waters where constructed facilities are not available or when the visitor does not use them. Nor shall anything in this Act be interpreted or implemented to allow fees on Federal lands or waters that do not or cannot meet the requirements of this Act.

- (c). Table of Contents—The table of contents of this Act is as follows:
- Sec. 1. Short title, purpose, and table of contents.
 - Sec. 2. Definitions.
 - Sec. 3. Recreation fee authority.
 - Sec. 4. Entrance fees.
 - Sec. 5. Recreation facility fees.
 - Sec. 6. Special use permit fees.
 - Sec. 7. Prohibitions on fees.
 - Sec. 8. Public participation.
 - Sec. 9. Recreation passes.
 - Sec. 10. Reservation service agreements.
 - Sec. 11. Special account and distribution of fees and revenues.
 - Sec. 12. Expenditures.
 - Sec. 13. Reports.
 - Sec. 14. Volunteers.
 - Sec. 15. Enforcement and protection of receipts.
 - Sec. 16. Repeal of superseded admission and use fee authorities.
 - Sec. 17. Relation to other laws and fee collection authorities.
 - Sec. 18. Limitation on use of fees for employee bonuses.

SEC. 2. DEFINITIONS. In this Act:

1. ENTRANCE FEE—The term “entrance fee” means the fee authorized by Section 4 to be charged to enter onto lands or waters managed by the National Park Service or the U.S. Fish and Wildlife Service.
2. FEDERAL LAND MANAGEMENT AGENCY—The term “Federal land management agency” means the National Park Service, the U.S. Fish and Wildlife Service, the Bureau of Land Management, the Bureau of Reclamation, or the Forest Service.
3. FEDERAL RECREATIONAL LANDS AND WATERS—The term “Federal recreational lands and waters” means lands or waters managed under the authority of a Federal land management agency.
4. FEE—The term “fee” relates to the fees established by this Act, which are entrance fees, recreation facility fees, and special use permit fees.
5. NATIONAL PARKS PLUS PASS—The term “National Parks Plus Pass” means the interagency national pass authorized by Section 9(a).
6. PASSHOLDER—The term “passholder” means the person who is issued a recreation pass established under Section 9.
7. PERMANENT TOILET—The term “permanent toilet” means a pit, vault, or flush facility constructed in place for the purpose of depositing human waste in a sanitary manner.
8. RECREATION FACILITY FEE—The term “recreation facility fee” means the recreation fee authorized by Section 5.
9. RECREATION PASS—The term “recreation pass” means the National Parks Plus Pass or one of the other recreation passes available as authorized by Section 9.
10. SECRETARY—The term “Secretary” means—
 - (A) the Secretary of the Interior, with respect to a Federal land management agency (other than the Forest Service); and
 - (B) the Secretary of Agriculture, with respect to the Forest Service.
11. SECRETARIES—The term “Secretaries” means the Secretary of the Interior and the Secretary of Agriculture acting jointly.
12. SPECIAL ACCOUNT—The term “special account” means the special account established in the Treasury under Section 11 for a Federal land management agency.
13. SPECIAL USE PERMIT FEE—The term “special use permit fee” means the recreation fee authorized by Section 6.
14. UNIT—For the purposes of this Act, the term “unit” means—for the National Park Service a single park, monument, or other management unit; for the

U.S. Fish and Wildlife Service a single National Wildlife Refuge; for the Bureau of Reclamation the recreation complex associated with a single project; for the Bureau of Land Management the area managed by a single field office, and for the Forest Service a single ranger district.

SEC. 3. RECREATION FEE AUTHORITY.

- (a) **AUTHORITY OF THE SECRETARY**—All fees established pursuant to this Act shall be fair and equitable, taking into consideration the direct and indirect cost to the Government, the benefits to the visitor, the public policy or interest served, the economic and administrative feasibility of fee collection, and other pertinent factors. The Secretaries shall coordinate with appropriate Federal, State, tribal, and local government agencies, and nongovernmental organizations representing local tourism and recreation interests before setting fees. The Secretaries shall take into account that they are stewards for land that is held in common by all Americans, and shall consider their core mission to be providing nationally consistent and affordable access to healthy, active, outdoor recreation on Federal recreational lands and waters. Fees shall not be set in comparison to those at non-Federal recreational facilities, and shall not exceed actual costs.
- (1) Fees collected by contractors, cooperators, concessionaires, or other non-agency personnel shall be set in the same manner and are subject to the same limits as those collected by the agency.
 - (2) The Secretary shall establish the fewest possible fees and shall avoid the collection of multiple or layered recreation fees.
 - (3) The establishment of a fee under this Act shall constitute final agency action subject to judicial review under the Administrative Procedure Act. (5 U.S.C. 702)
- (b) **NOTICE OF FEES**—The Secretary shall post clear notice of any fee and available recreation passes at appropriate locations in each unit or area of Federal recreational lands or waters where a fee is charged. The Secretary shall include such notice in publications distributed at the unit or area.
- (c) **DISCOUNTED OR FREE ADMISSION DAYS OR USE**—The Secretary shall provide one free day per month during the open operating season at each unit, and may provide additional discounted or free days for use of Federal recreational lands and waters.

SEC. 4. ENTRANCE FEES.

- (a) **ENTRANCE FEE POLICIES**—
- (1) **AUTHORIZED SITES FOR ENTRANCE FEES**—The Secretary of the Interior may charge an entrance fee for a unit managed by the National Park Service, or for a unit of the National Wildlife Refuge System.
 - (2) Upon payment of an entrance fee, the Secretary of the Interior shall issue a nontransferable receipt valid for entry and reentry of the same area for a period of no less than 24 hours, and no more than 7 consecutive days;
 - (3) Motorcycles, snowmobiles, and watercraft, when used as the means of entry, shall be considered as vehicles for the purposes of collecting per-vehicle entrance fees; and
 - (4) The Secretary of the Interior shall determine—
 - (A) a consistent entrance fee policy and schedule for commercial and noncommercial recreational groups; and
 - (B) the conditions under which an educational group entering an entrance fee area authorized under Section 4(b)(1) may be exempted from paying an entrance fee.
- (b) **PROHIBITION ON ENTRANCE FEES FOR CERTAIN PERSONS OR PLACES**.—The Secretary shall not charge an entrance fee for the following:
- (1) Outings conducted for noncommercial educational purposes by schools or bona fide academic institutions where the agency has provided prior approval for a fee waiver.
 - (2) The U.S.S. Arizona Memorial, Independence National Historical Park, any unit of the National Park System within the District of Columbia, the Flight 93 National Memorial, the Statue of Liberty National Monument, or Arlington House-Robert E. Lee National Memorial.

- (3) Entrance by other routes into the Great Smoky Mountains National Park or any part thereof unless fees are charged for entrance into that park on main highways and thoroughfares.
 - (4) Entrance to units of the National Park System containing deed restrictions or other legislative prohibitions on charging fees.
 - (5) An area or unit of the National Park System covered under Section 203 of the Alaska National Interest Lands Conservation Act (Public Law 96-487; 16 U.S.C. 410hh-2), with the exception of Denali National Park and Preserve.
 - (6) A unit of the National Wildlife Refuge System created, expanded, or modified by the Alaska National Interest Lands Conservation Act.
 - (7) Entrance by any person engaged in a non-recreational activity authorized under a valid permit issued under any other Act, including a valid grazing permit.
 - (8) Nonrecreational activities related to the exercise of First Amendment rights, agency authorized research, access to private property or inholdings, or officials engaged in local, State, tribal, or Federal business.
 - (9) Travel by private, noncommercial vehicle over any national parkway or any road or highway established as a part of the Federal-aid System, as defined in Section 101 of title 23, United States Code, which is commonly used by the public as a means of travel between two places either or both of which are outside any unit or area at which recreation fees are charged under this Act.
 - (10) Any person who visits a unit or area under the jurisdiction of the U.S. Fish and Wildlife Service and who has been issued a valid migratory bird hunting and conservation stamp issued under Section 2 of the Act of March 16, 1934 (16 U.S.C. 718b; commonly known as the Duck Stamp Act).
- (c) **FEES FOR TRANSPORTATION SERVICES**—Where the Secretary requires visitors to a unit or portion of a unit where an entrance fee is established to use a government-provided transportation service in lieu of a private motor vehicle, no additional fee may be charged for the use of such required transportation service, whether provided as a government service or through agreement or contract. Where such transportation services are optional, riders may be charged an appropriate cost-recovery or other fee for the use of such service, consistent with Section 501 of the National Park Omnibus Management Act of 1998 (16 U.S.C. 5981) and other authorities.
 - (d) **FEES FOR INTERPRETIVE SERVICES**—Where an entrance fee has been established, no additional charge shall be made for access to visitor centers or for interpretive programs and services that promote an understanding and appreciation of the values for which the unit was established. Reasonable fees may be charged for interpretive programs or services where no entrance fee has been established, or for extraordinary interpretive programs that exceed those related to the unit's core mission, so long as participation in such stand-alone or extraordinary interpretive activity is optional.
 - (e) **WHITewater BOATING PERMIT FEE**—Where the Secretary determines that a system of permits, limited in number, is necessary to equitably manage and provide special resource protection due to private noncommercial whitewater boating within a unit of the National Park Service or U.S. Fish and Wildlife Service, a fee may be charged for such permit. Whitewater boating permit fees may not exceed the actual cost of administering the permit system and managing whitewater boating use.

SEC. 5. RECREATION FACILITY FEES—The Secretaries may charge a recreation facility fee on Federal recreational lands and waters under the jurisdiction of the National Park Service, U.S. Fish and Wildlife Service, Bureau of Land Management, Bureau of Reclamation, and Forest Service, but only for the following activities and under the following conditions:

- (a) **USE OF SPECIALIZED FACILITIES AT BOAT LAUNCHES.**
 - (1) **IN GENERAL**—A fee may be charged on a per-watercraft basis for the use of the following specialized facilities for launching a watercraft:
 - (A) Mechanical or hydraulic boat lifts.
 - (B) Boarding float or mooring dock.
 - (2) No fee may be charged for access to a boat launch area if no specialized facilities as listed above are used.

- (b) **CAMPING IN DEVELOPED CAMPGROUNDS—**
- (1) Fees for camping shall be limited to developed campgrounds accessed by vehicle or watercraft.
 - (2) Fees shall only be charged at campgrounds that have a majority of the following facilities:
 - (A) Tent or trailer spaces.
 - (B) Picnic tables.
 - (C) Drinking water.
 - (D) Permanent trash facility.
 - (E) Permanent toilet facilities.
 - (F) Simple devices for containing a campfire.
 - (G) Reasonable visitor protection.
 - (3) Fees for camping shall be charged on a per-night, per-site basis. No extra charge shall be made for extra vehicles so long as such vehicles can be accommodated within the assigned campsite or in a designated overflow parking area without causing resource damage.
 - (4) A limit of not less than six persons over the age of 16 may be imposed on the number of persons allowed per campsite.
- (c) **SHORT TERM RENTAL** of cabins, fire lookouts, historic structures, group day-use or group overnight facilities, designated target range sites, duck blinds, or other constructed facilities for recreational, non-commercial purposes.
- (d) **SHORT TERM RENTAL** of boats, stock animals, audio tour devices, portable sanitation devices, binoculars, or other recreational equipment for recreational, noncommercial purposes.
- (e) **USE OF** mooring docks, sewage dump stations, luggage storage lockers, electrical hookups for recreational vehicles and boats, and corrals.
- (f) **ACCESS TO A DESTINATION VISITOR OR INTERPRETIVE CENTER** that provides a broad range of interpretive services, programs, and media except that no fee shall be charged if the visitor or interpretive center lies within a larger area for which an entrance or recreation facility fee is charged.

SEC. 6. SPECIAL USE PERMIT FEES.

- (a) **IN GENERAL—**The Secretaries may issue a special use permit and charge a special use permit fee on Federal recreational lands and waters under the jurisdiction of the National Park Service, U.S. Fish and Wildlife Service, Bureau of Land Management, Bureau of Reclamation, and Forest Service in order to recover a portion of the costs associated with the following special recreation uses, where they are otherwise authorized:
- (1) Use by off-highway vehicles or snowmobiles of specialized areas that contain all of the following facilities:
 - (A) A system of designated and mapped off-highway vehicle or snowmobile trails.
 - (B) Developed designated parking that is routinely cleared of excess snow at snowmobile areas.
 - (C) Regular trail maintenance a majority of which is performed by Federal employees or contractors. At snowmobile areas maintenance shall include trail grooming.
 - (D) Routine presence of agency law enforcement.
 - (E) Toilets.
 - (F) Refuse containers.
 - (2) Use by cross-country skiers or snowshoers of specialized areas that contain all of the following facilities:
 - (A) A system of designated and mapped trails.
 - (B) Developed designated parking that is routinely cleared of excess snow.
 - (C) Regular mechanical trail grooming a majority of which is performed by Federal employees or contractors.
 - (D) Warming shelter.
 - (E) Toilets.
 - (3) Use of specialized swimming sites that contain all of the following facilities:

- (A) Floats encompassing the swimming area.
 - (B) Bathhouse with showers and changing rooms.
 - (C) Developed designated parking.
 - (D) Attendants, including lifeguards.
 - (E) Permanent toilets.
 - (F) Refuse containers.
- (4) Commercial outfitting and guiding.
 - (5) Permits for organized gatherings of more than 20 people for such activities as weddings, sporting and competitive events, and rallies.
 - (6) Advance reservation of a free backcountry or wilderness permit pursuant to Section 7(b), subject to the following conditions:
 - (A) Advance reservation shall not be required as a condition of obtaining a free backcountry permit.
 - (B) At least 10 percent of authorized permits for a particular backcountry or wilderness area shall be made available without a reservation on a first-come first-served basis.
 - (C) The reservation fee charged shall be per permit and permits shall be per party. The fee shall not exceed the actual cost of providing the reservation service.
 - (7) Recreational mining activities.
 - (8) Harvesting of Christmas trees for personal, non-commercial use. Trees harvested pursuant to a permit issued under this authority shall not be considered timber.
- (b) ANNUAL SITE-SPECIFIC AND REGIONAL PERMITS AUTHORIZED—In order to provide more flexibility and lower-cost alternatives, the permits established under Section 6(a)(1), (2), and (3) in addition to being offered as a daily permit may also be issued on an annual or seasonal basis to allow unlimited use of the same area or a group of areas.
 - (c) RELATION TO OTHER FEES—
 - (1) Special use permit fees for organized group gatherings, commercial outfitting and guiding, advance reservation of backcountry or wilderness permits, recreational mining, and harvesting of Christmas trees may be charged in addition to entrance fees or recreation facility fees, in areas where those fees apply, except that no special use permit fee shall be charged for an organized group gathering under Section 6(a)(5) when a group facility rental fee has been paid in accordance with Section 5(c).
 - (2) Special use permit fees for use of specialized areas for off-highway vehicles, snowmobiles, cross-country skiing, snowshoeing, and swimming may not be charged in areas where an entrance fee or recreation facility fee is required, nor where a fee is charged by a non-Federal entity in order to access the Federal facilities.

SEC. 7. PROHIBITIONS ON FEES—

- (a) IN GENERAL—Recreation facility fees and special use permit fees shall not be charged for the following private, noncommercial activities:
 - (1) Camping outside of developed campgrounds.
 - (2) Cross-country skiing, snowshoeing, or other non-motorized winter sports or access for the same except at locations where a recreation facility fee or special use permit fee is established in accordance with this Act.
 - (3) Off-highway vehicle or snowmobile use of a trail or road that is open to motorized travel, except at locations where a recreation facility fee or special use permit fee is established in accordance with this Act.
 - (4) Access to, travel on, or use of rivers, lakes, beaches, and other shoreline areas.
 - (5) Snow play.
 - (6) Equestrian trail use.
 - (7) Wildlife viewing.
 - (8) For the use, either singly or in any combination, of drinking water, way-side exhibits, roads, overlook sites, scenic drives, toilet facilities, or picnic tables.
 - (9) Hiking, walking, jogging, bicycling, or other non-motorized trail use.
 - (10) Parking. However, nothing in this Act shall prohibit the Secretary from establishing a system of free parking restrictions to manage visitor park-

ing, and subject to other terms and conditions as may be required to manage visitor use and provide for resource protection.

- (11) Any person below the age of 16.
 - (12) Special attention or extra services necessary to meet the needs of the disabled.
 - (13) Use of or access to designated wilderness or other backcountry or dispersed areas.
- (b) **PROHIBITION ON BACKCOUNTRY PERMIT FEES GENERALLY**—The Secretaries shall not charge a fee pursuant to this or any other Act for any permit issued for private, noncommercial recreational use of wilderness or other backcountry or dispersed areas. The Secretaries may establish a system of free backcountry permits, limited in number and issued per party, and subject to other terms and conditions as may be required to equitably manage visitor use and provide for resource protection. Such permits shall only be required where necessary to meet the requirements of the Wilderness Act or where special management is necessary due to demand in excess of resource capacity.

SEC. 8. PUBLIC PARTICIPATION.

- (a) **IN GENERAL**—The Secretary shall provide the public with opportunities to participate in the development or increasing of all fees established under this Act by:
- (1) establishing guidelines for public involvement;
 - (2) establishing guidelines on how agencies will demonstrate on an annual basis how they have provided information to the public on the use of recreation fee revenues; and
 - (3) publishing the guidelines in paragraphs (1) and (2) in the Federal Register.
- (b) **ADVANCED NOTICE**—The Secretaries shall publish a notice and solicit public comment in the Federal Register before establishing a new fee or increasing an existing fee. Such publication shall occur during the peak use season of the unit or activity to which the fee will apply and at least 1 year before such establishment or increase. The Secretaries shall publish notice 1 year in advance of a new fee or a increase to an existing fee established under this title in local newspapers and publications located near the site at which the fee would be established or increased, and continuously on the home page of the Web site of the affected unit for 1 year before establishment or increase. Notification of a new or increased fee shall also be made 1 year in advance to the Senate Energy and Natural Resources Committee and the House Natural Resources Committee.
- (c) **PUBLIC SUPPORT**—Before establishing any new recreation fee or increasing an existing fee, the Secretary shall document public support by:
- (1) Providing advanced notice and opportunity for public comment in accordance with Section 8(b);
 - (2) Accepting comments from the public about the new or increased fee; and
 - (3) Publishing the public comments received at the Web site of the affected unit continuously for at least 30 days prior to establishing or increasing the fee.
- (d) **RECREATION FEES CHARGED BY CONCESSIONAIRES**—Fees charged at Federal recreation facilities that are managed by private contractors or permittees shall undergo the same public notice and involvement requirements specified in this Section as those at agency-managed facilities.

SEC. 9. RECREATION PASSES.

- (a) **The National Parks Plus Pass**—
- (1) **AVAILABILITY AND USE**—The Secretaries shall establish, and may charge a fee for, an interagency national pass to be known as “The National Parks Plus Pass,” which shall cover, for the passholder and all occupants of the same private, non-commercial vehicle, the entrance fee for all Federal recreational lands and waters for which an entrance fee is charged and all visitor center fees established under Sec. 5(f). Where such fees are charged on a per-person basis, the pass shall cover the passholder and up to three additional persons age 16 and over.

- (2) **IMAGE COMPETITION FOR NATIONAL PASS**—The Secretaries may hold an annual competition to select the image to be used on the National Parks Plus Pass for a year.
 - (3) **DURATION**—The National Parks Plus Pass shall be valid for a period of 12 months from the date of the issuance of the recreation pass to a passholder, except in the case of the age and disability passes issued under subsection (b).
 - (4) **PRICE**—The price of the National Parks Plus Pass shall be set at \$60 per year.
 - (5) **PRICE ADJUSTMENTS**—The Secretaries may adjust the price of the National Parks Plus Pass by publishing their intended adjustment 1 year in advance in the Federal Register and continuously for 1 year on the home page of their agency Web sites. Notification of an adjustment shall be made 1 year in advance to the Senate Energy and Natural Resources Committee and the House Natural Resources Committee. Adjustments may occur no more often than every 5 years.
 - (6) **SALES LOCATIONS AND MARKETING**—
 - (A) **IN GENERAL**—The Secretaries shall sell the National Parks Plus Pass at all Federal recreational lands and waters at which an entrance fee is charged, and at such other locations as the Secretaries consider appropriate and feasible.
 - (B) **USE OF VENDORS**—The Secretaries may enter into agreements for sales of the National Parks Plus Pass by non-Federal entities. Sales by such entities shall be at the same price and according to the same guidelines as those by Federal agencies. The Secretaries shall account for any commission paid to non-Federal entities on pass sales as a direct cost of each agency's fee program.
 - (C) **MARKETING**—The Secretaries may take such actions as are appropriate to provide for the active marketing of the National Parks Plus Pass.
 - (7) **ADMINISTRATIVE GUIDELINES**—The Secretaries shall issue guidelines on administration of the National Parks Plus Pass, which shall include agreement on the distribution of revenues between the Federal land management agencies, the sharing of costs, benefits provided, marketing and design, adequate documentation for age and disability discounts under subsection (b), and the issuance of the recreation pass to volunteers. The Secretaries shall take into consideration all relevant visitor and sales data available in establishing the guidelines.
 - (8) **ACCEPTANCE BY CONCESSIONAIRES**—The Secretaries shall require that private operators of recreation facilities on Federal recreational lands and waters accept the National Parks Plus Pass under the terms and conditions specified in this Section. For contracts in effect at the date of enactment of this Act, this requirement shall become effective with the next contract issuance or renewal following enactment.
 - (9) **MULTIAGENCY ADMISSION AND SPECIAL USE PASSES**—The Secretaries may enter into revenue sharing agreements with other Federal or non-Federal Governmental agencies to accept their annual passes and convey the same privileges, terms and conditions as offered under the auspices of the National Parks Plus Pass, to those passes.
 - (10) **PROHIBITION ON OTHER NATIONAL RECREATION PASSES**—The Secretary shall not establish any national recreation pass, except as provided in this Section.
- (b) **Discount Passes**—
- (1) **AGE DISCOUNT**—The Secretary shall make the National Parks Plus Pass available, at a cost of \$10.00, to any U.S. citizen or person domiciled in the United States who is 62 years of age or older, if the citizen or person provides adequate proof of such age and such citizenship or residency. The National Parks Plus Pass made available under this subsection shall be valid for the lifetime of the passholder.
 - (2) **DISABILITY DISCOUNT**—The Secretary shall make the National Parks Plus Pass available, without charge, to any U.S. citizen or person domiciled in the United States who has been medically determined to be permanently disabled for purposes of Section 7(20)(B)(i) of the Rehabilitation Act of 1973 (29 U.S.C. 705(20)(B)(i)), if the citizen or person pro-

vides adequate proof of the disability and such citizenship or residency. The National Parks Plus Pass made available under this subsection shall be valid for the lifetime of the passholder.

(3) **APPLICABILITY OF DISCOUNT PASSES—**

- (A) **IN GENERAL—**In addition to covering entrance fees and visitor center fees, the passes issued under paragraphs (1) and (2) shall provide for a discount on fees for camping in developed campgrounds. The discount shall apply to the passholder and all occupants of the same campsite.
 - (B) **RATE—**The amount of the discount under subparagraph (A) shall be 50 percent.
- (c) In order to provide more flexibility and lower-cost alternatives, the Secretary may establish site-specific and regional passes that provide the same benefits as the National Parks Plus Pass on Federal recreational lands and waters, but are limited to one or more particular sites or regions.
- (1) **Site-Specific Agency Passes—**The Secretary may establish and charge a fee for a site-specific pass for a specified period not to exceed 12 months.
 - (2) **Regional Passes—**
 - (A) **PASSES AUTHORIZED—**The Secretary may establish and charge a fee for a regional pass that will be accepted by more than one Federal land management unit or by both Federal and non-Federal entities in one or more regions for a specified period not to exceed 12 months. To include a Federal land management agency or non-Federal entity over which the Secretary does not have jurisdiction, the Secretary shall obtain the consent of the head of such agency or entity.
 - (B) **REGIONAL PASS AGREEMENT—**In order to establish a regional pass under this subsection, the Secretary shall enter into a regional pass agreement with all the participating agencies or entities on price, the distribution of revenues between participating agencies or entities, the sharing of costs, benefits provided, marketing and design, and the issuance of the pass to volunteers. The Secretary shall take into consideration all relevant visitor and sales data available when entering into this agreement.
- (e) **Effect on Existing Passes and Permits—**
- (1) **EXISTING PASSES—**
 - (A) A pass issued under Section 4 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601–6a), title VI of the National Parks Omnibus Management Act of 1998 (Public Law 105–391; 16 U.S.C. 5991–5995), such as the Golden Eagle Passport, the Golden Age Passport, the Golden Access Passport, and the National Parks Passport, that was valid on the day before the enactment of this Act shall be valid in accordance with the terms agreed to at the time of issuance of the passport and remain in effect until expired, lost, or stolen.
 - (B) An “America the Beautiful—the National Parks and Federal Recreational Lands Pass” issued under Section 805 of the Federal Lands Recreation Enhancement Act (16 U.S.C. 6804), title VIII of the Consolidated Appropriations Act, 2005 (Public Law 108–447; 16 U.S.C. 6801–6814) that was valid on the day before the enactment of this Act shall be valid in accordance with the terms agreed to at the time of issuance and remain in effect until expired, lost, or stolen.
 - (2) **PERMITS—**A permit issued under Section 4 of the Land and Water Conservation Fund Act of 1965 that was valid on the day before the date of the enactment of this Act shall be valid and remain in effect until expired, revoked, or suspended.

SEC. 10. RESERVATION SERVICE AGREEMENTS.

- (a) The Secretary may enter into an agreement, including a contract, with a governmental or nongovernmental entity for the purpose of obtaining visitor reservation services. The entity providing visitor reservation services may charge a reasonable fee for their services in accordance with such agreement or contract, and such fee shall not be considered a recreation fee under this Act.

- (b) Of amounts due any Federal land management agency under a reservation service agreement or contract, not more than 15 percent may be used by the agency for administrative costs related to the contract or agreement. The remainder shall be distributed agency-wide for expenditure according to the purposes specified under Section 12(a).

SEC. 11. SPECIAL ACCOUNT AND DISTRIBUTION OF FEES AND REVENUES.

- (a) Special Account—The Secretary of the Treasury shall establish a special account in the Treasury for each Federal land management agency.
- (b) Deposits—Subject to subsections (c), (d), and (e), revenues collected by each Federal land management agency under this Act shall—
 - (1) be deposited in its special account; and
 - (2) remain available for expenditure, until expended.
- (c) Distribution of Entrance Fees, Recreation Facility Fees, Special Use Permit Fees, and Site-specific Agency Pass Revenues—
 - (1) Retention and expenditure of revenues—
 - (A) With regard to the U.S. Fish and Wildlife Service, Bureau of Reclamation, Bureau of Land Management, and Forest Service—
 - (i) Not less than 80 percent of fees collected under this Act shall remain available for expenditure by the collecting unit, without further appropriation, until expended.
 - (ii) Entrance fees shall be expended within the same unit where collected.
 - (iii) Recreation facility fees and site-specific agency pass revenues shall be expended at the same type of site where collected and within the same unit where collected.
 - (iv) Special use permit fees for use of specialized facilities under Section 6(a)(1), (2), and (3) shall be expended at the same facility where collected.
 - (v) Special use permit fees for group gatherings, reservation of backcountry permits, recreational mining, Christmas tree harvesting, and commercial outfitting and guiding under Section 6(a)(4), (5), (6), (7) and (8) shall be expended on administration of those permits and management of those activities.
 - (B) With regard to the National Park Service—
 - (i) Not less than 80 percent of amounts collected under this Act at a specific unit shall remain available for use at the specific unit, except that for those units of the National Park System that participate in a multiagency revenue sharing agreement under Section 9(a)(9) of this Act, not less than 90 percent of amounts collected at a specific unit shall remain available for use at that unit.
 - (ii) Monies payable to the Service as a result of multiagency pass revenue sharing agreements established pursuant to Section 9(a)(9) shall be distributed equally to all units of the National Park System in the specific States where the Park Service units that are parties to the revenue sharing agreement are located.
 - (2) AGENCY-WIDE DISTRIBUTION OF FUNDS—The balance of the recreation fees and site-specific agency pass revenues collected shall remain available to that Federal land management agency for expenditure on an agency-wide basis, without further appropriation, until expended.
- (d) Distribution of National Parks Plus Pass Revenues—Revenues collected from the sale of the National Parks Plus Pass shall be deposited in the special accounts established for the Federal land management agencies in accordance with the guidelines issued under Section 11 and shall be distributed according to the agreement established under Section 9(a)(7).
- (e) Distribution of Regional Pass Revenues—Revenues collected from the sale of a regional pass established under Section 9(c)(2) shall be deposited in each participating Federal land management agency's special account and distributed in accordance with the terms of the regional pass agreement established under Section 9(c)(2)(B).

SEC. 12. EXPENDITURES.

- (a) **ADMINISTRATION, CAPITAL AND OPERATING COSTS**—The Secretaries may not spend more than 15 percent of total revenues collected annually under this Act for fee collection program direct, indirect, and administrative overhead. The cost of fee-collection materials, contracts with third parties for fee collection services, and sales commissions to third party vendors of passes and permits shall be considered direct costs of the fee program.
- (1) **BACKLOGGED MAINTENANCE**—Amounts available for expenditure shall first be used for repairs and maintenance of existing facilities directly related to visitor enjoyment, visitor access, and health and safety.
- (2) At units where visitor facilities are in good repair and are open and available for visitor use and no backlogged maintenance needs exist, amounts available for expenditure may be used for—
- (A) Enhancement of visitor facilities;
 - (B) Interpretation, visitor information, visitor service, visitor needs assessments, and signs;
 - (C) Habitat restoration directly related to wildlife-dependent recreation that is limited to hunting, fishing, wildlife observation, or photography;
 - (D) Natural resource or cultural resource preservation or management programs, except that fee revenue may not be used for biological monitoring on Federal recreational lands and waters under the Endangered Species Act of 1973 for listed or candidate species;
 - (E) Law enforcement related to public use and recreation;
 - (F) Retirement of possessory interest or leasehold surrender interest of concessionaires.

SEC. 13. REPORTS.

- (a) **ANNUAL REPORT**—Not later than _____, and annually thereafter, the Secretaries shall submit to Congress a separate accounting of the preceding fiscal year for each Federal agency. These individual agency reports shall list, broken down by unit, the total fee receipts collected under this Act by type, all expenditures from these accounts, any new fees established, and any changes to existing fees for each agency during the preceding fiscal year. Each report shall also detail any unobligated funds remaining at these units at the end of the fiscal year, along with planned utilization of these funds during the next fiscal year.
- (b) **SUBMISSION OF REPORTS**—All reports required under this Act shall be submitted to the Committees on Appropriations of the House of Representatives and the Senate, the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate and shall be available to the public on appropriate agency Web sites at the same time the reports are made available to the committees.

SEC. 14. VOLUNTEERS.

- (a) **Authority to Use Volunteers**—The Secretary may use volunteers, as appropriate, to collect recreation fees and sell recreation passes.
- (b) **Waiver or Discount of Fees; Site-Specific Agency Pass**—In exchange for volunteer services, the Secretary may waive or discount an entrance fee or recreation facility fee that would otherwise apply to the volunteer or issue to the volunteer a site-specific agency pass authorized under Section 9(c)(1).
- (c) **National Parks Plus Pass**—In accordance with the guidelines established under Section 9(a)(7), the Secretaries shall issue a National Parks Plus Pass to a volunteer in exchange for 20 hours of approved volunteer services performed by the volunteer.
- (d) **Regional Passes**—Where a regional pass is available, the Secretary shall issue a regional pass in accordance with the guidelines established under Section 9(a)(7) to a volunteer in exchange for 10 hours of approved volunteer services performed by the volunteer, if the regional pass agreement under which the regional pass was established provides for the issuance of the pass to volunteers.

SEC. 15. ENFORCEMENT AND PROTECTION OF RECEIPTS.

- (a) **Enforcement Authority**—The Secretary concerned shall enforce payment of the fees authorized by this Act.

- (b) Evidence of Nonpayment—If the display of proof of payment of a required fee, or the payment of a fee within a certain time period is required, failure to display such proof as required or to pay the recreation fee within the time period specified shall constitute evidence of nonpayment.
- (c) Responsible Party for payment of fees.—When a per-person fee is charged, each individual over the age of 16 years old will be responsible for payment of his or her personal fee. When a per-vehicle fee is charged, the operator of the vehicle will be responsible for payment.
- (d) Limitation on Penalties.—No penalty or service charge will be imposed without the admission or finding of guilt. Failure to pay a fee established under this Act shall be punishable as an infraction with a fine not to exceed \$100 notwithstanding Section 3571(b) of title 18, United States Code.

SEC. 16. REPEAL OF SUPERSEDED ADMISSION AND USE FEE AUTHORITIES.

The Federal Lands Recreation Enhancement Act, Public Law 108447, 16 U.S.C. § 6801, *et seq.*, is superseded in its entirety by this Act. In addition:

- (a) Land and Water Conservation Fund Act—Subsections (a), (b), (c), (d), (e), (f), (g), (i), (j), (k), and (n), except (n)(5) of Section 4 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601–6a *et seq.*) are repealed.
- (b) Recreational Fee Demonstration Program—Section 315 of the Department of the Interior and Related Agencies Appropriations Act, 1996 (as contained in Section 101(c) of Public Law 104–134; 16 U.S.C. 4601–6a), is repealed.
- (c) Admission Permits for Refuge Units—Section 201 of the Emergency Wetlands Resources Act of 1986 (16 U.S.C. 3911) is repealed.
- (d) National Park Passport, Golden Eagle Passport, Golden Age Passport, and Golden Access Passport:
 - (1) Section 502 of the National Parks Omnibus Management Act of 1998 (Public Law 105–391; 16 U.S.C. 5982) is repealed.
 - (2) Title VI of the National Parks Omnibus Management Act of 1998 (Public Law 105–391; 16 U.S.C. 5991–5995) is repealed.
- (e) Treatment of Unobligated Funds—
 - (1) LAND AND WATER CONSERVATION FUND SPECIAL ACCOUNTS—Amounts in the special accounts established under Section 4(i)(1) of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601–6a(i)(1)) for Federal land management agencies that are unobligated on the date of the enactment of this Act shall be transferred to the appropriate special account established under Section 11 and shall be available to the Secretary in accordance with this Act. A special account established under Section 4(j)(1) of the Land and Water Conservation Fund Act of 1965 for a Federal agency that is not a Federal land management area, and the use of such special account, is not affected by the repeal of Section 4 of the Land and Water Conservation Fund Act of 1965 by subsection (a) of this Section.
 - (2) NATIONAL PARKS PASSPORT—Any funds collected under title VI of the National Parks Omnibus Management Act of 1998 (Public Law 105–391; 16 U.S.C. 5991–5995) that are unobligated on the day before the publication of the Federal Register notice required under Section 5(a)(3) shall be transferred to the special account of the National Park Service for use in accordance with this Act. The Secretary of the Interior may use amounts available in that special account to pay any outstanding administration, marketing, or close-out costs associated with the national parks passport.
 - (3) RECREATIONAL FEE DEMONSTRATION PROGRAM—Any funds collected in accordance with Section 315 of the Department of the Interior and Related Agencies Appropriations Act, 1996 (as contained in Section 101(c) of Public Law 104–134; 16 U.S.C. 4601–6a), that are unobligated on the day before the date of the enactment of this Act shall be transferred to the appropriate special account and shall be available to the Secretary in accordance with this Act.
 - (4) FEDERAL LANDS RECREATION ENHANCEMENT ACT—Any funds collected in accordance with Title VIII Section 805 of the Consolidated Appropriations Act, 2005 (Public Law 108–447; 16 U.S.C. 6801–6814) that are unobligated on the day before the enactment of this Act shall

be transferred to the appropriate special account and shall be available to the Secretary in accordance with this Act.

- (5) **ADMISSION PERMITS FOR REFUGE UNITS**—Any funds collected in accordance with Section 201 of the Emergency Wetlands Resources Act of 1986 (16 U.S.C. 3911) that are available as provided in subsection (c)(A) of such section and are unobligated on the day before the date of the enactment of this Act shall be transferred to the special account of the U.S. Fish and Wildlife Service for use in accordance with this Act.
- (f) **Effect of Regulations**—A regulation or policy issued under a provision of law repealed by this Section shall remain in effect to the extent such a regulation or policy is consistent with the provisions of this Act until the Secretary issues a regulation, guideline, or policy under this Act that supersedes the earlier regulation.

SEC. 17. RELATION TO OTHER LAWS AND FEE COLLECTION AUTHORITIES.

- (a) **Federal and State Laws Unaffected**—Nothing in this Act shall authorize Federal hunting or fishing licenses or fees or charges for commercial or other activities not related to recreation, affect any rights or authority of the States with respect to fish and wildlife, or repeal or modify any provision of law that permits States or political subdivisions of States to share in the revenues from Federal lands or, except as provided in subsection (b), any provision of law that provides that any fees or charges collected at particular Federal areas be used for or credited to specific purposes or special funds as authorized by that provision of law.
- (b) **Relation to Revenue Allocation Laws**—Amounts collected under this Act, and the existence of a reservation service agreement with a governmental entity under Section 10 (a), may not be taken into account for the purposes of any of the following laws:
 - (1) The sixth paragraph under the heading ‘FOREST SERVICE’ in the Act of May 23, 1908 (16 U.S.C. 500).
 - (2) Section 13 of the Act of March 1, 1911 (16 U.S.C. 500; commonly known as the Weeks Act).
 - (3) The fourteenth paragraph under the heading ‘FOREST SERVICE’ in the Act of March 4, 1913 (16 U.S.C. 501).
 - (4) Section 33 of the Bankhead-Jones Farm Tenant Act (7 U.S.C. 1012).
 - (5) Title II of the Act of August 8, 1937, and the Act of May 24, 1939 (43 U.S.C. 1181f *et seq.*).
 - (6) Section 6 of the Act of June 14, 1926 (43 U.S.C. 869–4).
 - (7) Chapter 69 of title 31, United States Code.
 - (8) Section 401 of the Act of June 15, 1935 (16 U.S.C. 715s; commonly known as the Refuge Revenue Sharing Act).
 - (9) The Secure Rural Schools and Community Self-Determination Act of 2000 (Public Law 106–393; 16 U.S.C. 500 note), except that the exception made for such Act by this subsection is unique and is not intended to be construed as precedent for amounts collected from the use of Federal lands under any other provision of law.
 - (10) Section 2 of the Boulder Canyon Project Adjustment Act (43 U.S.C. 618a).
 - (11) The Federal Water Project Recreation Act (16 U.S.C. 4601–12 *et seq.*).
 - (12) The first section of the Act of June 17, 1902, as amended or supplemented (43 U.S.C. 391).
 - (13) The Act of February 25, 1920 (30 U.S.C. 181 *et seq.*; commonly known as the Mineral Leasing Act).
 - (14) Section 4(e) of the Southern Nevada Public Land Management Act of 1998 (Public Law 105–263; 31 U.S.C. 6901 note).
 - (15) Section 5(a) of the Lincoln County Land Act of 2000 (Public Law 106–298; 114 Stat. 1047).
 - (16) Any other provision of law relating to revenue allocation.
- (c) **Consideration of Other Funds Collected**—Amounts collected under any other law may not be disbursed under this Act.
- (d) **Migratory Bird Hunting Stamp Act**—Revenues from the stamp established under the Act of March 16, 1934 (16 U.S.C. 718 *et seq.*; commonly known as the Migratory Bird Hunting Stamp Act or Duck Stamp Act), shall not be covered by this Act.

- (e) Sole Recreation Fee Authority—Recreation fees charged under this Act shall be in lieu of fees charged for the same purposes under any other provision of law.
- (f) Fees Charged by Third Parties—A third party providing recreation management services on Federal lands and waters under a permit, contract or agreement may not charge any fee that is not in accordance with this Act.
- (g) Non-compliant fees—Any fee in effect on the date of enactment of this Act that is not in compliance with this Act shall be eliminated no later than 180 days after enactment.

SEC. 18. LIMITATION ON USE OF FEES FOR EMPLOYEE BONUSES.

Notwithstanding any other provision of law, fees collected under the authorities of this Act may not be used for employee bonuses.

Mr. BISHOP. Thank you. I appreciate all your testimonies. We will now turn to questions.

Mr. Grijalva, do you have questions?

Mr. GRIJALVA. Thank you. Ms. Benzar, because I took your subtle hint at the end—

[Laughter.]

Mr. GRIJALVA. Could—describe that reaction to the decision. Then I will ask Mr. Crandall the same question, because one of—it involves concessionaires and the potentials, as she is going to outline. OK.

Ms. BENZAR. Yes. I hope Members of Congress know that the Forest Service has now placed under private management, in the form of concessionaire permits, 80 percent of their most highly developed camping sites, and a growing and large—I think undocumented—number of day use sites. They have claimed, since FLREA was enacted, that it does not apply to fees that are charged at those sites. So, at those sites people are charged fees for things FLREA prohibits, such as just going for a walk through the woods, general access to a lakeshore—Walton Lake was the example Mr. DeFazio used. Concessionaires are charging fees that the agency admits they would not be able to charge themselves. They have claimed that, under FLREA, it was congressional intent that they be allowed to do that.

The case finally did come to litigation at the end of 2012, and that litigation was finalized on Friday with a decision out of the D.C. Circuit Court that found in the Forest Service's favor, and read into the law a congressional intent that concessionaires not be subject to it.

If that is what Congress intended to be in the law, then you got what you wanted. But if that is not what Congress intended, then it is important to make a legislative fix to that. Because, at this point, you have lost all control over those lands that are in concession permit.

Mr. GRIJALVA. Thank you. Mr. Crandall.

Mr. CRANDALL. Mr. Grijalva, I am not prepared to respond to the court decision, but I would say that the concessionaires in national parks and national forests are very interested in serving the visitor needs. We are not interested in leveeing charges for things that the public does not want. I think, as Deputy Chief Weldon mentioned today, she has no intent, and the Forest Service has no intent, in-

stitutionally, to use concessionaires as a mechanism to collect fees that are outside the scope of FLREA.

So, I think there is a solution here, but—there is no willing agreement on the part of businesses operating in national parks to act as an agent for illegal collection of fees by the Forest Service or BLM.

Mr. GRIJALVA. That supplant the function of Forest Service personnel.

Mr. CRANDALL. No, that is certainly not our intent. There are complexities. The 80 percent of the developed campsites that are now managed by concessionaires, I think we have a good system. Just like with skiing on national forests, which is provided by the private sector, we are meeting the needs of campers in national forests that could not be met with the Forest Service resources.

But I would say that there are complexities, in terms of honoring of senior passes, the 50 percent discount, and others, and we will look forward to discussing with you how we could perhaps achieve both a recognition of certain privileged classes of visitors to national forests, whether they are veterans, or disabled, or something else, and do it in a way that makes sense for the businesses operating in the national forests.

Mr. GRIJALVA. Thank you. Ms. Pemmerl. Did I say it—OK. I appreciate your testimony, because I think that what you talked about is an inevitability, in terms of how we serve the public in our forests and public lands. What—when you talked about alternative contracts and alternative contracting models that would support new technologies for rec programs and for the things that you described in your testimony, what kind of alternative contract do you mean?

Ms. PEMMERL. One example, Congressman, is the self-funded model, which NIC frequently uses to deliver e-government services. In that model, NIC assumes the cost to build and maintain the services, and we are then paid by a small fee that is associated with some of the online applications that we provide.

The model works so well because, obviously, the contractor is very motivated to provide services quickly that are easy to use at a very reasonable cost. Of course, this makes great strides in controlling the cost for IT systems at agencies.

Mr. GRIJALVA. Any—if I may follow up, have you run any—do you have any information as to—that can estimate how much money would be saved by the Federal Government in the event that you implemented that no-cost model for rec programs?

Ms. PEMMERL. Thank you, Congressman. I don't have exact figures. But one example would be the Fish and Wildlife Service \$7 million request in the Fiscal Year 2015 budget. I imagine there are opportunities there to work with Fish and Wildlife Service and other agencies to consider areas where the model could apply.

Mr. GRIJALVA. Thank you very much. I think I am almost done. No, I am almost done.

[Laughter.]

Mr. GRIJALVA. I am done.

[Laughter.]

Mr. BISHOP. All right. Let me ask a few questions, too, to some of you, as well.

Mr. Terrell, in your testimony you indicated that your organization supports reauthorization of FLREA, provided there is increased documentation of what is collected and how it is spent. Can you just explain what you would like to see in future documentation?

Mr. TERRELL. I think what we are looking for there would be so that it would be easier for the public in general, the general public, the person that is coming to a particular location in the national forest or on BLM land, to see exactly what had been collected, and where it had been spent, so that they had an appreciation of the fact that the money that they were paying to use that facility was being used to either maintain and/or improve that facility.

Mr. BISHOP. Do you see a standard that would have to be put so that—that would have to be met so that information could be there?

Mr. TERRELL. I think that there should be a requirement that that would be available at the—when I say the local level, I am speaking of either at the ranger district level—and I am speaking of Forest Service now—or certainly the forest level. Then it could also be consolidated on a regional level and a national level. But it really needs to get down to the local level, so that it establishes the trust of the public that is paying that fee, that they are really getting something for what they paid for.

Mr. BISHOP. All right, thank you. I appreciate that. Mr. Crandall, what advantages or benefits would there be for adding the Army Corps?

Mr. CRANDALL. There are a number. First, the Army Corps cannot now sell the America the Beautiful Pass. They cannot honor the America the Beautiful Pass. We find issues where, for example, people now arrive at a site and expect to be able to use a fee site on the Army Corps, and are told that they cannot do that.

The Army Corps also exists under essentially the same authority that the agencies had pre-fee demo. In other words, any fee collection at campsites cannot be retained by the U.S. Army Corps and used to collect trash and clean toilets and serve the visitors in those campgrounds.

Mr. BISHOP. All right. I thank you. In your testimony you also advocated for changes to the discount for seniors. How does that discount compare to other discounts that are provided by other State park systems or private industry? How would seniors react to paying more?

May I just ask the general question of how would your concessionaires be able to handle the passes that you don't—that they would have given by the other agencies that are not necessarily right now recognized by your group, by concessionaires?

Mr. CRANDALL. Certainly, there are some differences, agency by agency, in terms of just requirements to honor passes. I would say that, for example, as you go into a national park—and if you are reserving a lodging facility at a hotel or a lodge, there is no discount offered to the senior citizens. Similarly, if you go to a national forest and you ski at Vail or Aspen or Mammoth or any of the major ski areas, you are not given a discount because you have a senior pass, America the Beautiful, or Golden Eagle, or anything like that.

The only application, pretty much, is in campgrounds, where there is an operation by a private-sector concessionaire in the national forest, in the national parks.

Mr. BISHOP. All right. I appreciate that. Ms. Benzar, if I could ask you one—you have been a critic of the RAC process. How should the agencies notify and engage public on fees, revenues, how they are spent, how they are collected?

Ms. BENZAR. I think the first and most important thing is to make the law as explicit as possible, so that there is no need for citizens to advise the agencies on how to follow it. It should be crystal clear, what it requires, and no question in their minds as to how to follow it.

But second, as far as bringing the public into the process, I struggle with that because it is true that a large part of the public is not engaged in the notice and comment process, and probably never will be. But I think that you can go as far as possible on that by giving ample, robust notification, with plenty of time in advance of a new fee, or of a fee increase. I think the law is requiring local notification, but in many cases the audience for a particular recreation site isn't local. They travel from their home to that recreation site.

So, for instance, in California, what is a local newspaper—if you are going to raise a fee on the Angeles National Forest, there is no local—if you put it only in the LA Times, people come there from San Francisco. So lots of notification and plenty of time for people, if they don't like what is being proposed, to contact their elected officials. Then we would look to you, Members of Congress, to be responsive to your constituents, and to take action based on whatever concerns you hear.

Mr. BISHOP. So would you have a structured time limit, or a structured process?

Ms. BENZAR. Yes. I think that is essential. In my draft alternative language I suggested a year, with plenty of notification on Web sites and plenty of media.

Mr. BISHOP. All right. Ms. Pemmerl, I would—actually have a couple of final questions for you, if possible.

I—first of all, I hate technology, I admit that.

[Laughter.]

Mr. BISHOP. So, whatever you do, if you can equate it to a legal pad, I will be happy.

Ms. PEMMERL. Understood.

Mr. BISHOP. But we have a lot of these areas in which people are going, they are very remote, with limited Internet, limited cell phone activity. How are you able to develop solutions to overcome these types of challenges?

Ms. PEMMERL. Thank you, Chairman. That is not an unusual challenge to face in the State park environment, as you can imagine. So, frequently, when we are looking at implementing e-government services, we are considering kiosk options where available, to ensure that an individual has the opportunity for self-service at a location.

Similarly, ensuring that services can be used in an offline mode, and that information can be uploaded when a park ranger, for example, is back to a home office, or has connectivity.

Mr. BISHOP. OK. That is fair enough. There is one thing. If you could, tell me how your company would have any solutions for—for example, you know, we have been giving paper passes to people for over 40 years. These passes provide free entrance to the Federal lands. The problem is there are no records of how many of these have been given out, how many are still around in circulation. It presents a problem in developing solutions. Does your company have a solution for how the agencies can solve that problem?

Ms. PEMMERL. Sure. Chairman, of course it would depend on the specific requirements. There are multiple examples of systems we have deployed at the State level that have tackled similar challenges, and I would be happy to provide some information for the record on those systems.

Mr. BISHOP. All right. I appreciate that. Are you sure you are done? You are done? All right.

Look, I appreciate all of you, especially your patience in the inconvenience of sitting here while we broke for vote. That used to be commonplace around here, and we have tried to do away with that. But obviously, on get-away days, when we have a hearing at the same time there is Floor debate, that sometimes happens. So I apologize for making you wait in that dead space that was there.

I do want to thank you, especially those of you who have come at great distances, for being here, for giving your testimony. There may be some additional questions that any member of the committee, present or not, may have for you, which we will send to you in writing, and we would ask that you respond to us in a quick time for those written questions.

If there is nothing else, with great appreciation one more time, this subcommittee stands adjourned.

[Whereupon, at 11:41 a.m., the subcommittee was adjourned.]

[ADDITIONAL MATERIALS SUBMITTED FOR THE RECORD]

PREPARED STATEMENT OF MARILY REESE, EXECUTIVE DIRECTOR, NATIONAL FOREST RECREATION ASSOCIATION, WOODLAKE, CA

Chairman Bishop and members of the subcommittee, on behalf of the Board of Directors of the National Forest Recreation Association, I want to express our appreciation for the opportunity to provide information pertaining to changes for the Federal Lands Recreation Enhancement Act (FLREA). I am Marily Reese, Executive Director of the National Forest Recreation Association.

THE NATIONAL FOREST RECREATION ASSOCIATION

The National Forest Recreation Association (NFRA) was formed in 1948, and represents recreation businesses located on or near Federal lands throughout the United States. Our members hold authorizations, permits or contracts for providing services and facilities directly on Federal lands. A partial list of authorizing agencies includes the U.S. Forest Service, National Park Service, Army Corps of Engineers, Bureau of Land Management, and Bureau of Reclamation. Our members also operate facilities under contracts with State and local agencies, public utility companies, and conservation districts. NFRA members are vital 'recreation service partners' of the Federal land management agencies in providing recreational opportunities to the public. NFRA members have a wealth of experience providing front line service to the public, along with maintaining safe and desirable facilities. Members have served generations of national and international users, and continue to provide lifelong memories to visitors each year. NFRA members work directly with the governing agencies and strive to maintain cooperative and communicative relationships.

NFRA members include:

- Campground concessionaires operating Federal campgrounds, picnic areas, boat launches, swimming areas, and cabins under jurisdiction of the USDA Forest Service, National Park Service, and the Army Corps of Engineers.
- Resorts, Pack Stations and Marinas operating on national forests, national parks and BLM lands nationwide offering a wide range of facilities and services to the general public. Examples include: lodging, guided horseback trips, historical and interpretive programs, boat rentals, boat slip rentals, tour boat rides, stores, cafes, shuttle services, guided snowmobile trips, winter snow play areas, and many others.
- Organized youth and family camps.

NFRA members are integrally involved in their communities, and contribute significantly to local economies and the tourism industry. They also participate in numerous programs for natural resource education and conservation programs across the country.

FLREA—KEY ISSUES

NFRA is keenly aware of the need for the funds that are generated under FLREA. The Federal agencies authorized to collect these funds have come to depend on this stream of revenue to make beneficial improvements, and NFRA supports this concept. With the current legislation set to expire, this is the time to make changes to improve the program, and to correct deficiencies.

Forest Service Campground Concession Program and FLREA

Program Overview:

The campground concession program was initiated by the Forest Service in the early 1980s in response to declining recreation budgets to operate and maintain their campgrounds. From its inception, the program has authorized the private sector to operate Federal facilities under the Granger-Thye Act. All of the activities to be authorized are clearly identified in a prospectus (bid offering), and interested companies submit their proposals, *including fees to be charged to the public*, based on the criteria stated in the offering. The company awarded the bid must submit an Annual Operating Plan for approval. All fees to be charged are carefully reviewed and approved by the local forest each year.

Government-owned improvements in the program include facilities with clearly identifiable facilities and improvements such as campgrounds, picnic areas, boat launch ramps, cabins and other recreation sites. Concessionaires are responsible for all of the operating costs, and in exchange they pay a percentage of their gross income as a fee to the government. NFRA members have a credible record of providing facilities and services where there is a well-defined value for the price, with both visible and tangible assets. The public is accustomed to and willing to pay the fees because they appreciate the improvements. They directly benefit from the facilities and the personnel providing the services.

Nearly all of the fees paid by concessionaires go directly back into improvements at the sites through a 'fee off-set program.' This program has invested literally millions of dollars over the past 30 years, and has included investments in the infrastructure of water systems, sewer systems, restrooms, showers, picnic tables, fire rings, paving, signing, fish cleaning stations, RV dump sites, bear-proof garbage and recycling containers and more. It is through the concession program that many campgrounds have been improved, without which, there would be hundreds of campgrounds in disrepair and/or closed.

This cottage industry generates millions of dollars in revenue to the government and employs thousands of people each year. Concessionaires utilize the services and products of local vendors and other business service professionals across the country—making a much needed contribution to rural economies. Many Federal and State recreation areas are facing campground closures due to rapidly rising costs. Even in the sites staying open, most recreation agencies face deferred maintenance bills in the millions—or even billions of dollars. The Forest Service has avoided both of these recurring problems through its concession program. The lower cost capabilities of private concessionaires keep the campgrounds and day use areas open and the fees reasonable. The fee-offset program ensures funding is specifically directed back to those sites and that major maintenance and improvements are completed annually.

All aspects of the concession operation of Federal recreation sites should continue to be authorized under the Granger-Thye Act. In addition to the campground pro-

gram, the Forest Service has a ski area and resorts that are also operated by the private sector under the Granger-Thye Act. Concessionaires provide a high level of customer service and compliance with all associated laws and regulations. The private sector is able to provide greater field presence as they are not subject to hiring limitations, freezes, or other complications that exist in the Federal agencies. The concession program helps avoid the problem of escalating deferred maintenance, as seen in other agencies.

FLREA, as it exists today, has a provision stating that **“Notwithstanding any other provision of this chapter, a third party may charge a fee for providing a good or service to a visitor of a unit or area of the Federal land management agencies in accordance with any other applicable law or regulation.”** Thus, the fees concessionaires charge in the Federal campgrounds are exempt from the provisions required by FLREA because they are governed under the Granger-Thye Act. **This provision is critical to the continued success of the concession program, and it must be included in new legislation.** Concessionaires cannot wait up to 5 years that it takes some Recreation Advisory Committees (RACs) to approve their fees. The concessionaires have to provide detailed requests, including market surveys, to ensure their fees are commensurate with other similar facilities and it is imperative they be reviewed in a timely manner. Some fee increases are due to laws imposed by States and counties, including minimum wage rates, water system requirements and other mandated costs. Concessionaires must be exempt from FLREA to retain the flexibility to respond to these mandates in a timely manner.

Recently, the United States District Court for the District of Columbia confirmed that the fees charged by concessionaires under the Granger-Thye Act are legal. Contrary to misinformed claims from other groups that concessionaires “can require everyone to pay a fee for doing anything, anywhere” and that the Court’s ruling “gives the agency an easy end—run around laws designed to protect visitors from fees”—is the track record of the past 30 years. Nothing has changed in the authorities and management oversight of the concession program, and to date—the private sector is only allowed to charge fees at sites where there are facilities and/or services provided. The program has not made an ‘end-run’ around fees to date, and there is no expectation that will change.

Unintended Impacts:

FLREA, and its program of discount passes, has not addressed the fact that most of the Forest Service sites are concessionaire-operated. The issue for concessionaires is being required to provide discounted camping or free day use without a fair method of compensation for the loss of revenue. The ‘America the Beautiful’ pass program has grown and expanded since FLREA was enacted, and there are additional passes proposed in the legislation. Although some of the passes state that they may not apply to concession operated facilities, the wording is in small print, and the public is not aware of the differences between Federal operations and concession operations. This has been the source of continual conflict throughout the program and has increased with each new pass that is added to the program.

Pursuant to the Service Contract Act (SCA), the government cannot require concessionaires to provide free use. Requiring concessionaires to provide services for free, or at a discounted rate to certain groups without compensation, is a government benefits program and conflicts with the SCA. Thus, there needs to be a method of compensation for concessionaires who are required to provide services at a discounted price. This would enable the public to use facilities that are managed either by concessionaires—or by the agencies—in a seamless manner. Their passes would be good for sites that meet the criteria for a discount. Compensation to the concessionaires could be a fee-credit, or a payment based on the actual number of passes used. When concessionaires are not reimbursed for accepting the passes, the cost of this acceptance is passed on to other non-pass holding users. Other uses are subsidizing the discounted use.

NFRA concessionaires were assured by numerous officials since the passage of FLREA that the problems with the pass discounts would be ‘fixed.’ (See attached letter to Under Secretary of Agriculture, Mark Rey dated January 10, 2007). There is now an opportunity with new legislation to make critical adjustments.

- When Federal agencies issue passes that provide discounts in concession operated sites, the agencies need to compensate the concessionaires who are bearing the costs of operating the facility and providing the services to the public. Establishing a method of reimbursement, such as a fee-credit, would be the most direct and equitable means for covering the cost of the discount. With the government collecting the money for the passes, funds should be available

to reimburse concessionaires for providing the services to pass holders, or a system for a fee credit should be authorized.

- The agencies should be prevented from removing concession operated sites from the program which the government then operates themselves to retain the fees. This results in a breakdown of the economic viability of concession operations, and puts the sites at risk when there are government shut-downs, reductions in hiring and other factors that affect operations. This provision had been specified in the Conference Language for FLREA, but is no longer adhered to by the Forest Service.
- The agencies should not be in competition with the private sector. Services such as outfitting and guiding are more successfully provided by private companies and they help to stimulate local and regional economies. Hiring thousands of employees, purchasing goods and services, paying local—State—and Federal taxes are significant contributors to the recreation and tourism economy which is critical in many areas.

Legislative Alternatives

In response to the issues outlined above—NFRA suggests the following changes to future legislation regarding user fees:

- Fees concessionaires charge in the Federal campgrounds must be exempt from the provisions required by FLREA. They are governed under the Granger-Thye Act.
- Provide for compensation when concessionaires are required to honor any discount passes for overnight camping or day use. This includes all passes that are in the program initially, and those added in subsequent years. Compensation could come from the fees the government collects in the sale of the passes, or through a fee credit. This would also apply to regional and forest-specific passes.
- Consider the expansion of fee retention for other recreation special use permit fees. Presently, only outfitter and guide fees are retained by the agency. Other special use permit fees for uses such as ski areas, resorts, marinas, youth camps, and organization camps could be retained. The fees generated from these special use permits need to be specifically directed to cover costs associated with permit issuance, including all environmental reviews and analysis costs. Any and all costs for studies, assessments, and other process procedures—beyond what are retained from the permit fees—should be covered by the agency.
- The agencies need to retain full authority to approve fees of the concessionaires and permittees without being subject to 'advisory groups.' The complexity of establishing fees includes factors that can change suddenly and with which the private sector must comply.

Cost Recovery: Section 807(b)

Permits Issued to Businesses Operating on Public Lands:

Under the current system of Cost Recovery, the Forest Service is reticent to use authorities available to renew, amend, and/or reissue recreation special use permits in a cost effective manner. The result is they undertake an extensive, costly, and time consuming NEPA process for simple changes to facilities, services, and permit renewals.

Currently, Cost Recovery is an open checkbook as there are no limits on the fees to be charged; no schedule of fees that are required for a specific service; no accountability of how the fees are used; and no limit on the number of employees—or the amount of hours that can be charged to the project. Agencies are using Cost Recovery as a means to supplement what they perceive as lack of appropriated dollars, and it becomes a source to finance their under-funded personnel. Excessive agency costs and inefficiencies mean that cost recovery can exceed the value or potential gain possible given the term and specifications of a permit, effectively negating a business from operation. NEPA costs can easily outpace the gross income of the business.

Requiring business owners to bear the cost of the complexity of NEPA documents is an impractical method of funding agency responsibilities. Cost recovery has become a major barrier to improvements to better serve the public—resulting in greater risks, reduced service, and decay of private investment on public land. This affects quality recreation service to the public as well as inhibiting job opportunities. The complexity and onerous regulatory environment created by management plans

and laws (e.g., Endangered Species Act) adds to burden of permit reissuance or renewal. These burdens become subject to NEPA and cost recovery.

There is currently no accountability with Cost Recovery dollars. As currently proposed Cost Recovery applies broadly to programmatic issues, while permittees are the only source of financial recovery.

Solutions

- Make the use of Categorical Exclusions a statutory authority.
- Utilize fee retention to cover the costs of any NEPA documentation needed for processing special use permits.
- Design incentives for the timely completion of NEPA work, and for assurances of uninterrupted operations for the service provider.
- Consider waivers for businesses with revenue less than \$1 million.
- Allow competitive services. Many environmental firms provide the same services and should be allowed to compete when environmental analysis is required. Authorize and require agencies to accept environmental review documents if the agencies cannot provide specific timelines and exact costs in advance.
- Allow the first 50 hours of NEPA documentation at no cost to permittee.
- Cost Recovery needs to be very specific and limited in scope. Any studies or environmental reviews that benefit anyone directly or indirectly other than the permittee should not be subject to cost recovery from the permittee. It is the agency's responsibility to perform that work.

Summary

Because we are an association of businesses who are directly affected and impacted by this legislation, we would like to provide testimony at your next committee hearing.

We are in general support fee legislation as a means of bringing additional funds to the agencies' recreation programs. The changes we are recommending will serve to provide greater clarity and consistency to the public, and provide for an equitable and sound business environment for the companies operating Federal sites.

Thank you very much.

Attachment: January 10, 2007 Letter

ATTACHMENT

NATIONAL FOREST RECREATION ASSOCIATION,
WOODLAKE, CA,
JANUARY 10, 2007.

Mr. MARK REY
*Under Secretary, Natural Resources and Environment,
United States Department of Agriculture,
1400 Independence Ave., SW, Room 217E
Washington, DC 20250.*

DEAR MARK:

This letter is a follow-up to our phone conversation on December 21, 2006 regarding the new "America the Beautiful—National Parks and Federal Recreation Lands Pass" and its applicability to concession operated sites. I raised the concern that the press releases and information being distributed for the new passes did not clearly articulate whether the passes were valid at concession operated sites. I indicated this could be a potential problem when pass holders were expecting free access to concession operated sites having a standard amenity fee. You commented that the passes would not affect the concessionaires, and that you would have a recreation specialist contact me with further information. Later in the day, I was contacted by Martha Kettle from the Washington Office of the Forest Service and we discussed the issue.

I appreciate your attention to this matter, and for Martha's prompt call. However, it is still not clear to me what the policy is on concession operated sites, and I am greatly concerned that the information is not being relayed to the public as to the distinction between agency operated and concession operated facilities. I have been contacted by several of our campground concession companies, and they are quite concerned as to how they are supposed to accommodate people who present the

passes and are expecting free access. In one case, a concessionaire was told by Forest Service personnel that he had to honor the passes. This would be a considerable change of economic factors if our concessionaires had to allow free use at sites with the standard amenity fees that they are currently managing. It would also pose serious issues with the Service Contract Act situation that has been an on-going issue with the Department of Labor.

I have gone on-line and read the descriptions for each of the new passes. I have also searched through the "Frequently Asked Questions" and I do not see any distinct clarification that the passes do not apply to sites *operated* by concessionaires. There is a statement for the Senior Pass and the Access Pass that says, "The pass is non-transferable and generally does NOT cover or reduce special recreation permit fees or fees charged by concessionaires." The way this is phrased, saying the pass 'generally does not cover ...' leaves the door open for interpretation to be handled differently from site to site. In addition, the information is not provided at all for the Annual Pass. For your convenience, I have enclosed recent press releases, as well as information from the web to illustrate missing information regarding the passes' validity at concession operated sites.

Obviously, this issue is of great concern to many of our members, as they do not want any negative interactions with the visitors who come to their sites. Customer Service is an important aspect of concessionaire managed sites, and it is something that is highly stressed throughout the industry, as well as being an important element in Annual Operating Plans and in new prospectus offerings. It would be our preference to have the information that is distributed with each of the new passes very clearly articulate where the passes can be used. Currently, we believe it is not up front and clear to the public. We also believe it is not clear to Forest Service line officers and permit administrators as to how the permits are to be handled at concession operated sites.

Mark, we are most willing to meet with you and any of the Forest Service or other agency staff who are involved with the implementation of the new passes. I'm sure the earlier we can discuss this, and make necessary adjustments, the better it will be for all in the coming recreation season. I or members of our Board of Directors are ready and willing to come to Washington, DC if needed, or are available by teleconference at your convenience.

Thank you very much for your assistance in this matter and I look forward to talking with you soon.

Sincerely,

MARILY REESE,
Executive Director.

AMERICAN ALPINE CLUB NORTHWEST REGION,
AMERICAN WHITEWATER,
EVERGREEN MOUNTAIN BIKE ALLIANCE,
MOUNTAINS TO SOUND GREENWAY TRUST,
THE MOUNTAINEERS,
WASHINGTON TRAILS ASSOCIATION,
WASHINGTON WILD.
APRIL 3, 2014.

Hon. ROB BISHOP, *Chairman*,
Hon. RAÚL GRIJALVA, *Ranking Member*,
House Subcommittee on Public Lands and Environmental Regulation,
Washington, DC 20515.

DEAR CHAIRMAN BISHOP, RANKING MEMBER GRIJALVA, AND MEMBERS OF THE COMMITTEE:

We are writing regarding the subcommittee hearing scheduled for April 4, 2014. We respectfully request that this letter be included in the hearing record.

The undersigned organizations strongly support reauthorization of the Federal Lands Recreation Enhancement Act ("FLREA"). We appreciate the work of the subcommittee to consider revisions to the current FLREA law (16 U.S.C. 6801 *et seq.*, 118 Stat. 3377 (Dec. 8, 2004)).

Our organizations represent a broad range of human-powered outdoor recreation enthusiasts in Washington State and come together as a coalition on recreation and conservation issues. Collectively, we represent over 35,000 members in Washington

and contribute more than 165,000 hours of volunteer work annually to public lands across the region. Our members purchase and benefit from the Northwest Forest Pass, and we have a very strong stake in the future of the program, which is authorized under FLREA.

User fees were authorized as a demonstration program through the appropriations process in 1997. FLREA created a Federal framework for user fees in 2005, instituting the standard and expanded amenity fee approaches. In 2012 alone, FLREA revenues to Region 6 National Forests totaled \$8.8 million, which the Forest Service used to maintain sites across Oregon and Washington. By working with volunteer trail maintenance organizations, Region 6 is able to leverage those funds many times over.

FLREA provides an important source of funds for Federal land managers due to continual declines in agency funding. Agencies are dependent on FLREA revenue to offset the costs of maintenance on Federal lands because of steep reductions in agency funding over the past few decades. We strongly urge Congress to increase agency funding to 2010 levels. Although full funding levels are likely much higher, a return to the funding levels of FY2010 would be a reasonable intermediate step toward adequately funding the agencies. Even if funding is returned to 2010 levels, FLREA will continue to be a critical funding mechanism for agency operations.

The following are our comments on specific sections in the FLREA Discussion Draft. We hope our recommended improvements provide clarity to ensure that fees are used to enhance recreation opportunities on America's public lands.

SECTION 804. DAY-USE FEES

As written in Section 804(a)(2), user fees would only be applicable on recreation sites that feature "regularly serviced and well maintained toilet facilities and contains at least three of the following amenities: (a) trash collection, (b) permanent interpretive materials, (c) picnic tables and (d) routine presence of agency law enforcement."

We appreciate that Sec. 804(a)(2) allows more flexibility to agencies in deciding which amenities are appropriate for recreational facilities. Under current law many recreational facilities that would benefit from user fees are inappropriate locations for some of the six required amenities. For example, much of United States Forest Service Region six is black bear country. Generally speaking, unattended garbage cans are nuisances at best, and dangerous incentives for problem bears at worst. Under the discussion draft, the agency has the flexibility to decide which of the three out of the four amenities makes the most sense based on the recreational facility use and location.

SECTION 807. SPECIAL RECREATION PERMIT FEES

The inclusion of backcountry travel, river running, and bicycling in Section 807(a) inappropriately links these activities with those that are otherwise high-impact or consumptive when applying a fee. We recognize any use may rise to a level that becomes unsustainable on the landscape, and that, in those situations a fee may be necessary to recover the costs of managing the activity and mitigating the impacts. However, the determination must be made through the land management planning process and must be made based on the effect of the activity, not the activity itself.

Our recommendation:

We request that the subcommittee remove Subsections (a)(7), (a)(8), and (a)(9) and create a new section addressing areas where high demand exceeds the carrying capacity of the land. This section should apply where an agency has determined, through the land management planning process, that impacts to an area necessitate permitting to manage use to sustainable levels. In such a situation, agencies should be able to recover only the costs of mitigating the impacts of high use in that area and administering the permitting process through user fees.

In addition, as proposed, we are concerned by the cost recovery language of Section 807(b). As it is currently worded, authorizing the agencies to recover costs "associated with the activities authorized under 807(a)" would shift virtually limitless costs to special recreation permit holders.

Our recommendation:

For low impact recreation users and the organizations facilitating these activities, fees in Section 807(b) should be limited to the costs of administering the program that can be reasonably attributed to the user impact.

SECTION 812. EXPENDITURES

We appreciate that the discussion draft recognizes the enhancement of recreation opportunities, such as trail maintenance, as a valid fee revenue use (Sec. 812 (a)(1)). While it's obvious that amenities must be maintained and repaired to comply with FLREA, it is equally important to recognize that the majority of people purchasing day-use fee (Sec. 804) passes are doing so to engage in the local recreational opportunity (ex. hiking, biking trails) afforded by the recreation facility. We believe that revenue generated by FLREA should be prioritized for the enhancement and maintenance of those recreational opportunities in addition to the maintenance and repair of the five amenities listed in Sec. 804.

Our recommendation:

Prioritize the enhancement of recreation opportunities (Sec. 812 (a)(1)) for the use of fee revenue.

Regarding overhead, the discussion draft limits overhead and administrative costs to 5 percent of total revenues. However, it then authorizes the use of up to 20 percent of total revenue for "direct fee collection costs." When combined, this means that 25 percent of total revenue can be used for the costs of administering the fee collection system. This is a significant increase over the 15 percent authorized under existing law. The law should be written to encourage agencies to keep administrative costs down and devote as much of the revenue as possible to maintenance and improvement of recreation facilities and trails.

Our recommendation:

We urge the committee to preserve the 15 percent limit.

CONCESSIONAIRE FEE AUTHORIZATION

We support FLREA in allowing the authorization of Federal land managers to collect and retain fees to areas that have significant operational costs and provide significant services to users. We are concerned by the March 28th, 2014 U.S. District Court decision¹ (District of Columbia) which found that concessionaires of land management agencies are not held to the same FLREA standards as land management agencies. The court's decision allows concessionaires to continue charging fees for more than the direct use of services and amenities that they provide. We are concerned that this decision will give private businesses the ability to charge for access to public lands in ways that land agencies cannot under FLREA, and therefore negatively impact public access.

Our recommendation:

Concessionaires should be subject to the same fee restrictions as land management agencies are mandated by FLREA.

SITE-SPECIFIC AGENCY PASSES

We support the inclusion through section 809(h) Site-Specific Agency Passes of the opportunity for 12 month passes rather than only day-use, but are concerned that as written this section is vague and could be interpreted to allow the development of passes for locations where they would not otherwise be required.

Our recommendation:

Clarify that the section can only be applied when the site meets the requirements of Section 804 Day-Use Fees or Section 805 Entrance Fees.

The recommended changes listed above will make FLREA more flexible and responsive to the needs of the public and land management agencies, will ensure that the program addresses the overwhelming need for maintenance of trails and other recreation facilities on our public lands, and will provide opportunities for the public to engage on the management of the public lands they enjoy.

¹BARK, et al. v. U.S. Forest Service, et al., 1:12-cv-01505-RC D.D.C. March 28, 2014).

Thank you for the opportunity to provide our comments on the reauthorization of the Federal Lands Recreation Enhancement Act.

Sincerely,

KAREN DAUBERT,
Executive Director,
Washington Trails Association.

THOMAS O'KEEFE,
Pacific NW Stewardship Director,
American Whitewater.

MARTINIQUE GRIGG,
Executive Director,
The Mountaineers.

GLENN GLOVER,
Executive Director,
Evergreen Mountain Bike Alliance.

TOM UNIACK,
Conservation Director,
Washington Wild.

EDDIE ESPINOSA,
Regional Manager—PNW,
American Alpine Club Northwest Region.

CYNTHIA WELTI,
Executive Director,
Mountains to Sound Greenway Trust.

AMERICAN HIKING SOCIETY,
SILVER SPRING, MD,
APRIL 17, 2014.

Hon. ROB BISHOP, *Chairman,*
Hon. RAÚL GRIJALVA, *Ranking Member,*
House Subcommittee on Public Lands and Environmental Regulation
Washington, DC 20515.

DEAR CHAIRMAN BISHOP, RANKING MEMBER GRIJALVA, AND MEMBERS OF THE COMMITTEE:

I am writing regarding the subcommittee hearing that took place on April 4, 2014, regarding the amendment of the Federal Lands Recreation Enhancement Act (FLREA). I request that this communications be included as a part of the hearing record.

American Hiking Society strongly supports the reauthorization of the FLREA and appreciates the work of the subcommittee to consider amendments to the current law, enacted in 2004. On behalf of our members and the 43 million Americans who hike and backpack, we request that the committee consider the following items in the amended Act:

1. Fees should not produce incentives for expansion of development-oriented activities and facilities at the expense of protecting resources and preserving the natural elements of the outdoor recreation experience.
2. Recognition of volunteer services on public lands should be recognized with free seasonal, annual, or national passes for those volunteers meeting a designated number of service hours.
3. The Federal recreation fee collection process should be highly transparent, allowing all parties the opportunity to see annual information on fee collections and uses.
4. At least 80 percent of FLREA revenue should be retained at the site where the fees were collected.
5. Long term authorization should require that expenditures on administration and overhead be tightly monitored and limited in scope.
 - a. Concessionaires and third parties should be subject to the same administration and overhead restrictions as Federal agencies.

6. Agencies should encourage reciprocity of fees among adjacent sites/lands under the same or different jurisdictions.

Thank you for allowing American Hiking Society to provide our comments on the reauthorization of the Federal Lands Recreation Enhancement Act.

Sincerely,

GREGORY A. MILLER, PH.D.
President.

AMERICAN TRAILS,
REDDING, CA,
APRIL 3, 2014.

Hon. ROB BISHOP, *Chairman*,
Hon. RAÚL GRIJALVA, *Ranking Member*,
House Subcommittee on Public Lands and Environmental Regulation,
Washington, DC 20515.

DEAR CHAIRMAN BISHOP AND RANKING MEMBER GRIJALVA:

American Trails, a national non-profit organization, has worked for over 25 years advocating for all types of trails and trail systems and on behalf of all trail interests. We believe that viable trail systems are healthy for the people of the United States, healthy for our economy, and healthy for our environment. Our mission is to have a trail within 15 minutes of every person in our Nation. To this end, we are writing regarding the subcommittee hearing scheduled for Friday, April 4, 2014 and the consideration of Chairman Bishop's bill to amend the Federal Lands Recreation Enhancement Act (FLREA). We request that this communication be made part of that hearing record.

We wish to convey our strong support for the reauthorization of the FLREA. Federal lands visitor programs depend upon this authority. Further, we appreciate the work of the subcommittee to consider amendments to the current law, enacted in 2004. As part of the reauthorization process, American Trails would like the committee to consider allowing a user fee payment system for entrance to parks and selected other areas; and for recreational services and visitor facilities involving significant investments and operational costs. These fees should be at a minimum to not deter families from experiencing our natural environment, while giving the agencies additional income at the locations the fees are collected so they may provide quality experiences to the visitors.

The FLREA program has been successful in providing critical funding for Federal lands. As a result, countless Americans have benefited and have had the opportunity to get to know America's Great Outdoors. We would be pleased to discuss these ideas with any of the committee members or their staff.

We would like to thank the committee and its leadership for your oversight of FLREA and your help in emphasizing the accountability of Federal agencies for full compliance with this law, nationally and locally. Thank you also for your consideration of this letter.

Sincerely,

PAM GLUCK,
Executive Director.

ASSOCIATION FOR EXPERIENTIAL EDUCATION,
BOULDER, CO,
APRIL 16, 2014.

Hon. ROB BISHOP, *Chairman*,
Hon. RAÚL GRIJALVA, *Ranking Member*,
House Subcommittee on Public Lands and Environmental Regulation,
Washington, DC 20515.

DEAR CHAIRMAN BISHOP, RANKING MEMBER GRIJALVA, AND MEMBERS OF THE SUBCOMMITTEE:

The Association for Experiential Education (AEE) represents individuals and non-profit organizations across the country providing outdoor education and therapeutic experiences on America's public lands. Through programs conducted for youth and

adults, AEE members help people learn, develop skills to improve their personal and professional lives, and improve their physical and mental health.

I am writing to express our view on the reauthorization of the Federal Lands Recreation Enhancement Act, 16 U.S.C. 6801 *et seq.*, 118 Stat. 3377 (Dec. 8, 2004) (“FLREA”). AEE members are interested in the development of this legislation because we believe America’s public lands should be readily accessible for recreation by individuals and guided groups, subject to statutory limitations. In our experience, the indiscriminate imposition of fees can have the effect of limiting access. At the same time, we recognize that fees are appropriate in some circumstances, and provide valuable resources to agencies in carrying out their land management responsibilities.

AEE has reviewed the statement submitted jointly on April 2 by the Association of Outdoor Recreation and Education, High Mountain Institute, The Mazamas, The Mountaineers, and The Wilderness Society. We are in agreement with the recommendations contained in that statement and urge the committee to adopt these recommendations in developing a revised FLREA reauthorization bill.

I thank the subcommittee for the opportunity to share our views on the reauthorization of the Federal Lands Recreation Enhancement Act.

Sincerely,

ROBERT SMARIGA,
CEO.

ASSOCIATION OF OUTDOOR RECREATION AND EDUCATION,
HIGH MOUNTAIN INSTITUTE,
THE MAZAMAS,
THE WILDERNESS SOCIETY.

MARCH 28, 2014.

Hon. ROB BISHOP, *Chairman*,
Hon. RAÚL GRIJALVA, *Ranking Member*,
House Subcommittee on Public Lands and Environmental Regulation
Washington, DC 20515.

DEAR CHAIRMAN BISHOP, RANKING MEMBER GRIJALVA, AND MEMBERS OF THE SUBCOMMITTEE:

The above-listed organizations provide and advocate for outdoor recreation and education opportunities on America’s public lands. Through programs offered to both young people and adults, we develop connections between people and America’s natural heritage. By providing rewarding outdoor experiences on public lands, we help people grow personally and professionally, enrich their lives and improve their health.

We write to express our views on the reauthorization of the Federal Lands Recreation Enhancement Act, 16 U.S.C. 6801 *et seq.*, 118 Stat. 3377 (Dec. 8, 2004) (“FLREA”), scheduled to be the subject of a subcommittee hearing on April 4, 2014. We are interested in the development of this legislation because we believe America’s public lands should be readily accessible for recreation by individuals and guided groups, subject to statutory limitations. In our experience, the indiscriminate imposition of fees can have the effect of limiting access. At the same time, we recognize that fees are appropriate in some circumstances, and provide valuable resources to agencies in carrying out their land management responsibilities.

We offer a number of recommendations below that we believe strike an appropriate balance between these two considerations. We respectfully request that this letter be included in the hearing record for the subcommittee.

I. INTRODUCTION

FLREA authorizes Federal land management agencies to charge fees for recreational use of Federal lands, and also authorizes them to retain the revenue generated from those fees for the agency’s use without further appropriation. It also authorizes the U.S. Forest Service and Bureau of Land Management to issue special recreation permits, including “outfitter-guide permits,” and to charge special recreation permit fees for use of Federal lands. FLREA is scheduled to sunset on December 8, 2015.

By accident or design, FLREA has become an important source of revenue for Federal land management agencies. Because of recent reductions in agency funding, the agencies are increasingly dependent on FLREA revenue to offset the costs of

maintenance on Federal lands. If the Federal land management agencies were adequately funded, the imposition of recreation fees might be unnecessary.

For that reason, we urge Congress to restore the cuts to agency funding that have occurred since 2010. Although full funding levels are likely much higher, a return to the funding levels of FY2010 would be a reasonable intermediate step towards adequately funding the agencies. Funding the agencies at FY2010 levels is an essential investment in America's \$646 billion recreation industry, which supports 6.5 million jobs nationwide. Providing additional funding would reduce the incentives for agencies to charge recreation fees in more areas.

In the absence of increased agency funding, some form of fee collection authority is necessary if the agencies are going to have any chance of addressing their maintenance backlogs. Thus, reauthorization of FLREA is needed. At the same time, FLREA as originally enacted has significant flaws that should be corrected before the law is reauthorized. We discuss these flaws and the resulting controversies below. We also analyze the discussion draft released by the subcommittee and make recommendations for improvement. Our recommendations would allow agencies to charge appropriate fees, but place limitations on that authority to ensure that fees do not become a barrier to the use of public lands.

II. ANALYSIS AND RECOMMENDATIONS

A. Cost Recovery for Outfitter-Guide Permits

Section 6802(h) of Title 16, U.S. Code and section 807(a) of the discussion draft authorize the U.S. Forest Service and Bureau of Land Management to issue special recreation permits, which are sometimes referred to as "special use" permits, and include the permits issued to outfitters and guides. Outfitter-guide permits are an important tool for getting people out on America's public lands. Small business owners use these permits to take people rafting, horse-packing and climbing on National Forests and BLM lands. Likewise, nonprofit organizations and universities use these permits to get young people outdoors, provide environmental education opportunities, and fight the obesity epidemic. Together, these organizations play an important role in encouraging and assisting the public in enjoying their public lands, including America's Wilderness areas.

In setting fees for special recreation permits, section 807(b) of the discussion draft authorizes agencies to consider "the costs associated with the activities authorized under 807(a), including—

- (1) trail and facility construction;
- (2) maintenance;
- (3) natural and cultural resource monitoring;
- (4) restoration;
- (5) emergency response and law enforcement;
- (6) signage and user education;
- (7) permit administration."

Section 807(b) appears to allow an agency to shift any cost "associated" with the recreational activities authorized under a section 807(a) permit onto an outfitter-guide permit holder. Without more of a limiting principle, this would allow agencies to shift a significantly larger amount of agency costs onto outfitter-guide permit holders than is authorized under current law.

For example, existing Forest Service cost recovery regulations allow the agency to require permit applicants and permit holders to pay "processing fees" and "monitoring fees." 36 CFR 251.58. Processing fees are "based on the costs that the Forest Service incurs in reviewing the application . . . and shall be based only on the costs necessary for processing that application." Section 251.58(c)(1). "Necessary for" means that but for the application, the costs would not have been incurred." Id. Monitoring fees are "based on the estimated time needed for Forest Service monitoring to ensure compliance with" a permit. Section 251.58(d)(1).

Section 807(b) goes well beyond current Forest Service regulations. It would allow agencies to require a guide to pay for the costs of maintaining a trail used by the guide as part of its operations, along with the costs of restoration and law enforcement along that trail, since all of these costs could be "associated" with the guide's permit. An agency could shift these costs onto a permit holder even though they do not satisfy the "but for" test in current law, since agencies are generally required to provide trail maintenance and law enforcement services in places where no permits have been issued. If agencies use their authority in this way, the cost of permits will increase dramatically. This will impact both for-profit and nonprofit outfitter-guide operations, and could make it very difficult for these organizations and businesses to take people out on public lands.

It is worth noting that, under the existing cost recovery authority in 36 CFR 251.58, outfitters and guides already find it challenging to pay for the permits needed to get people outdoors. Section 251.58 requires outfitter-guide applicants to pay significant up-front costs in some circumstances in order to apply for permits. Paying these up-front costs is a substantial burden for many companies and organizations, particularly since doing so does not guarantee that they will receive a special recreation permit. See Section 251.58(c)(5). We recognize the need to charge reasonable recreation fees to offset the costs of permit administration, and to pay for monitoring to ensure compliance with permit terms. However, the open-ended cost recovery authority provided by draft section 807(b) would allow agencies to charge fees for expenses the agency would incur even in the absence of a permit. The resulting increase in fees would make it more difficult for outfitter-guides to provide opportunities for people to get out on public lands.

We urge the committee to reject this open-ended approach, and limit the agency's cost recovery authority to that conferred under existing Forest Service regulations.

B. Public Notification for Outfitter-Guide Permits

Although FLREA authorizes the agencies to issue outfitter-guide permits, many organizations that would like to offer outdoor experiences and environmental education on the national forests have been unable to do so because some National Forests refuse to issue permits. Among the organizations affected are nonprofit outdoor experiential education programs, public schools, university outing programs and nonprofit recreation clubs.

The U.S. Forest Service does not currently have any sort of nationwide listing of where permits are available within the National Forest system. The agency's on-line permit resources are quite limited, even though the agency's web page would be an ideal way to inform the public of permit availability. Consequently, organizations that would like to obtain a permit must contact each individual national forest ranger district to determine if permits are available. To address these issues, a reauthorized FLREA should establish public notification requirements for outfitter-guide permits. The Forest Service and BLM should be required to develop and operate the following systems:

1. An on-line lookup of permit availability that enables organizations interested in outfitter-guide permits to search by activity, Forest Service ranger district or BLM field office, and State.
2. A web page on the Web site of every ranger district or field office listing:
 - a. Locations within the ranger district or field office where outfitter-guide permits are available.
 - b. Locations within the ranger district or field office where outfitter-guide permits are not available, and for each such location, the reason why permits are not available.
3. A list serve or similar mechanism in which interested organizations may enroll to receive email notification of availability of outfitter-guide permits on forests throughout the National Forest or BLM System.

Providing this information to the public in a more systematic way will enable businesses and nonprofit organizations to know where permits may be obtained that will allow them to get more people out on America's public lands.

C. Standard Amenity Recreation Fees and Day Use Fees

The version of FLREA in existing law contains an inherent ambiguity that has generated significant litigation.¹ It authorizes collection of a standard amenity recreation fee for use of an "area" that provides significant recreation opportunities and has all of six listed amenities (parking, toilet, trashcan, interpretive signage, picnic tables, security). However, it prohibits the collection of fees for general access, parking, and traveling through lands and waters without using facilities and services, and also prohibits USFS, BLM and BOR from charging entrance fees. Thus, existing law is internally inconsistent about whether agencies can collect fees from a hiker using a trail within an area that has the six listed amenities if the hiker does not specifically use those amenities.

The discussion draft released by the subcommittee wisely abandons the use of "special amenity recreation fees" in favor of a simplified "day use" fee structure. It also revises the list of prohibitions on day use fees in a way that appears to resolve the inherent ambiguity described above.

¹*Sherer v. U.S. Forest Service*, 727 F. Supp. 2d 1080 (D. Colo. 2010), *U.S. v. Smith*, 740 F. Supp. 2d 1111 (D. Ariz. 2010), *Adams v. U.S. Forest Service*, 671 F.3d 1138 (9th Cir. 2012).

Unfortunately, the discussion draft would allow agencies to charge fees in locations where we believe fees are inappropriate. We also think that agencies should be required to provide more documentation when they decide to establish a fee site.

1. Day Use Fees in the Discussion Draft

a. National Volcanic Monuments and National Conservation Areas

Existing FLREA and the discussion draft broadly authorize fees at all National Conservation Areas (NCA) and National Volcanic Monuments (NVM). Some of these sites have little or no amenities. In those instances, charging a fee is not warranted.

In the past, the agencies' authority to charge fees at NCAs and NVMs has been cited as a reason why areas eligible for these designations should not be so designated. When that happens, fees that are intended to assist agencies in their efforts to conserve and maintain these places have the perverse effect of preventing them from being protected.

In managing monuments and conservation areas, agencies should be authorized to charge fees only in those areas that have developed amenities. The discussion draft's definition of "sites of concentrated public use" and "areas of concentrated public use" could be used as the basis for charging fees in these areas, subject to the modifications we recommend below. This would allow agencies to charge fees in monuments and conservation areas that have developed amenities, but would eliminate fees in other areas where fees are not justified.

b. Sites of Concentrated Public Use

Although the discussion draft addresses some of the ambiguities that exist in current law, the draft's definition of "sites of concentrated public use" is loose enough to allow the agencies to charge fees at locations that have minimal facilities, and for which there may be little or no public demand. In effect, an agency could charge a hiker a fee at a trailhead with a portable toilet, a trash can, and an interpretive sign.² We believe this would encourage agencies to charge fees nearly everywhere on public lands, which undermines the goal of making America's public lands open and accessible to everyone.

We recommend two modifications to the definition of "sites of concentrated public use" to limit the number of locations where fees are charged.

- i. There should be a public demand for additional facilities and amenities at the day use fee location. The agency should be required to demonstrate that there is demand for the facilities in order to impose the fee. See our discussion of a fee area plan in Section 2 below.
- ii. Fees should be limited to areas that have a permanently installed toilet facility rather than a temporary one. Agencies should not be authorized to drop a portable toilet at a trailhead and begin charging a fee.

2. Public Notice and Comment Opportunities

Under existing law, agency consultations with the public on when and where fees will be imposed and the amount of fees to be charged have not been effective. The Recreation Resource Advisory Committee review process prescribed by existing law does not provide consistent public oversight of the fee system.

The public participation provisions in the discussion draft are a significant improvement. However, we believe the public notice and comment requirements for establishing day use fees should be more robust. In addition to the requirements in the discussion draft, we recommend that FLREA require agencies to produce a short fee area plan when they want to impose a new day use fee, and provide the public with an opportunity to comment on it. This fee area plan should include the following information:

- a. A demonstration of public demand for additional facilities and amenities at the day use fee location;
- b. An inventory of the amenities in the area;
- c. A description of the funding and maintenance needs of the area; and
- d. A brief explanation of how the fee revenue will be used.

Requiring the agencies to produce these plans will establish a useful baseline and reference point for each agency decision to impose a fee, and provide the public with

²The Forest Service claims that there is "routine presence of agency law enforcement" everywhere on a National Forest. See Section 804(a)(2)(D). Thus, the requirement that a site of concentrated public use have routine law enforcement is always satisfied, and therefore has no practical effect.

a basis for providing effective input on whether the fee should be imposed. We urge the committee to include this requirement in reauthorizing FLREA.

D. Fees Charged by Concessionaires

Both existing law and the discussion draft authorize agencies to enter into fee management agreements with nongovernmental entities to facilitate fee collection and processing. However they do not explain how this authorization applies to concessionaires. There is ongoing litigation challenging the Forest Service's policy of entering into concession contracts that allow private companies to charge members of the public to use public lands.³ In the leading case, the plaintiffs assert that concessionaires are charging fees solely for the *availability* of amenities and services, and not limiting the fees to situations where those amenities are actually used, thereby subverting the intent of FLREA.⁴

In revising FLREA, the source of concessionaires' authority to charge fees should be clarified, and concessionaires should be subject to the same fee limitations as the agencies themselves. Likewise, the draft bill should require agencies and concessionaires to provide public participation opportunities when concessionaires plan to impose new fees.

E. Expenditures of Fee Revenues

FLREA is ambiguous as to whether Standard Amenity Recreation Fee revenue can be used for trail maintenance, or instead must be used only to maintain the amenities (parking, toilet, trashcan, interpretive signage, picnic tables, security) for which the fees are collected. If limited to the amenities, FLREA revenue provides no relief for the significant trail maintenance backlog on the National Forests, a backlog that was recently documented by the Government Accountability Office.⁵ There is also concern that too much of the revenue is used for overhead and administrative costs, rather than for actual maintenance.

The list of permissible expenditures in the discussion draft is essentially unchanged from existing law. Consequently, the ambiguity about the use of FLREA revenue for trail maintenance remains. We urge the committee to revise section 812(a)(3) to specifically authorize the use of FLREA revenue for trail maintenance costs anywhere on the unit in which the fees are collected. This will empower the agencies to use FLREA revenue to help address the trail maintenance backlog and make it easier for people to enjoy our public lands.

Regarding overhead, the discussion draft limits overhead and administrative costs to 5 percent of total revenues. However, it then authorizes the use of up to 20 percent of total revenue for "direct fee collection costs." When combined, this means that 25 percent of total revenue can be used for the costs of administering the fee collection system. This is a significant increase over the 15 percent authorized under existing law. The law should be written to encourage the agencies to keep administrative costs down and devote as much of the revenue as possible to maintenance and improvement of recreation facilities and trails. We urge the committee to preserve the 15 percent limit.

F. Stewardship Credits

Section 807(d) would establish a pilot program for providing stewardship credits that would offset the fees owed by a special recreation permit holder when the permit holder agrees to provide maintenance and resource protection work on public lands. We support the development of a pilot program to test this idea.

In some locations, special recreation permit holders provide important services on public lands that make these lands more accessible for average Americans. Currently, they provide this work on a voluntary basis, putting a strain on their small business operations. The pilot program would test the idea of giving these permit holders an additional incentive to undertake trail maintenance and other work on public lands. If the program includes appropriate safeguards, this could benefit the public by improving access.

Section 807(d) builds in some safeguards to ensure that work is done by qualified personnel and in cooperation with local land managers. However, we believe these safeguards should be enhanced to ensure that the agencies see significant benefits from the fee credit system. We urge the following modifications.

³*BARK v. U.S. Forest Service*, Case No. 1:12-CV-01505 (D.D.C. 2012).

⁴*Id.*

⁵Forest Service Trails; Long- and Short-Term Improvements Could Reduce Maintenance Backlog and Enhance System Sustainability, GAO-13-618.

1. Section 807(d) should more explicitly state that credits will only be given for work that addresses the agency's priorities, and then only when the work is done to minimum agency standards.
2. Because agencies will receive less revenue under the pilot program, Congress should require the agencies to include in the report required by section 807(d)(2) an evaluation of whether the pilot program has resulted in a net gain for trails and facilities maintenance.
3. As currently written, the pilot program would continue even if it is not producing net benefits. FLREA should authorize agency managers to discontinue the pilot program if it is not producing a net gain in trails and facilities maintenance.

With these modifications, we urge the committee to include this pilot program in the reauthorization of FLREA.

G. Reporting

The reporting provisions in section 813 are a significant improvement over existing law, and we support them. In particular, we support the requirement that agencies produce annual reports on the use of fee revenue and make them available on their Web sites.

H. Sunsetting

Section 820 would sunset the law after 5 years. We believe a duration of 10 years would be more appropriate and urge the subcommittee to revise the draft accordingly.

III. CONCLUSION

We thank the subcommittee for the opportunity to share our views on the reauthorization of the Federal Lands Recreation Enhancement Act.

Sincerely,

JEANETTE STAWSKI,
Executive Director,
Association of Outdoor Recreation and Education,
Ann Arbor, MI.

JUSTIN TALBOT,
Director of Wilderness Programs & Risk Management,
High Mountain Institute,
Leadville, CO.

LEE DAVIS,
Executive Director,
The Mazamas,
Portland, OR.

PAUL SANFORD,
Senior Recreation Specialist,
The Wilderness Society,
Washington, DC.

COALITION FOR RECREATION ENHANCEMENT ON FEDERAL LANDS,
WASHINGTON, DC,
APRIL 3, 2014.

Hon. ROB BISHOP, *Chairman,*
Hon. RAÚL GRIJALVA, *Ranking Member,*
House Subcommittee on Public Lands, and Environmental Regulation
Washington, DC 20515.

DEAR CHAIRMAN BISHOP AND RANKING MEMBER GRIJALVA:

We are writing regarding the subcommittee hearing scheduled for Friday, April 4, 2014 and the consideration of Chairman Bishop's bill to amend the Federal Lands Recreation Enhancement Act (FLREA). We request that this communication be made part of that hearing record.

We wish to convey our strong support for the reauthorization of FLREA. Federal lands visitor programs depend upon this authority. Further, we appreciate the work of the subcommittee to consider amendments to the current law, enacted in 2004. The recreation, conservation and tourism organizations signing this letter have de-

veloped a set of principles which we urge be reflected in the legislation on enhancing recreation on Federal lands you are now developing:

1. Federal recreation sites should be authorized to collect and retain fees for entrance to parks and selected other areas and for recreational services and visitor facilities involving significant investments and operational costs.
2. Collected fees should be used principally at sites where the fees were collected, serving those who paid the fees, and collected fees should be spent within a reasonable amount of time.
3. The U.S. Army Corps of Engineers, the largest single Federal provider of recreation experiences, should be included under FLREA to unify Federal fee programs and eliminate current complications for visitors.
4. The Federal recreation fee collection process should be as transparent as possible, allowing all interested parties the chance to see annual information on fee collections and use.
5. Expenses of fee collection are a legitimate use of fee revenues but all efforts should be made to minimize these costs.
6. Federal recreation site fee efforts can and should be integrated where possible with other fee collection programs, including of other Federal sites and agencies and with State recreation fees and licenses. State fee programs should be encouraged which support recreation on Federal lands—including trail programs. Models for this include the Winter Park Passes in several northwestern States and programs like the California “green sticker” program.
7. Public involvement in Federal recreation site fee programs is vital. The first step is better notification of fee program proposals. Notification of new and changed fees should be made to all obviously affected organizations and local citizens, and should also be made through: (1) the Federal Register and (2) alerts to individuals and organizations requesting notification through www.recreation.gov, registering their interest in types of fees, geographical regions, agencies and other appropriate categories. Formal comment opportunities should be required and can include Recreation Resources Advisory Committees and Resource Advisory Committee requirements, but Congress should allow the Forest Service and BLM to develop alternative public involvement models, submitted to the appropriate Congressional committees. The committees shall have not less than 90 days to consider these proposals. A submitted model may be disapproved by vote of either committee or by a joint letter by the Chair and Ranking Member of one or both of the committees.
8. Fee payment should be as convenient as possible to visitors. Use of commonly used non-Federal payment systems, such as EZ-Pass and PayPal, should be tested. Prepayment of entrance fees through inclusion in reservations for campsites, lodge rooms and other reserved services, and by sales in gateway communities, should also be encouraged.
9. Reauthorization of the Federal recreation fee program should be for a minimum of 6 years and not more than 10 years.
10. Fees collection by concessioners and third parties, including other governmental agencies and organizations which operate and maintain recreation services and facilities, should be authorized.
11. Fees for special recreation uses and events may be required but should not unreasonably deter legitimate uses of Federal recreation sites nor discourage partnerships with third-party organizations.
12. Agencies that receive funds through FLREA are encouraged to fully utilize Public Lands Corps Act authority to complete FLREA-funded projects that meet FLREA objectives such as enhancing visitor services. Use of conservation corps on these projects is likely to deliver lowered costs and will provide jobs for local young people and veterans and connect younger Americans with the Great Outdoors.

There are other important issues which many of the undersigned organizations will address in testimony and other comments. We want to express our collective thanks to the committee and its leadership for your oversight of FLREA and your help in emphasizing the accountability of Federal agencies for full compliance with this law, nationally and locally.

Over the last 10 years, we believe that FLREA has been a successful program that has provided critical funding for Federal lands. As a result, countless Americans have benefited. We thank you for your consideration of these principles and look forward to an ongoing dialog with you, other interested Members and your staff

to craft broadly supported legislation that supports America's enjoyment of our Great Outdoors.

Sincerely,

AAA
AMERICAN COUNCIL OF SNOWMOBILE ASSOCIATIONS
AMERICAN HORSE COUNCIL
AMERICAN MOTORCYCLIST ASSOCIATION
AMERICAN RECREATION COALITION
AMERICAN SPORTFISHING ASSOCIATION
ARIZONA CONSERVATION CORPS
ASSOCIATION OF MARINA INDUSTRIES
ASSOCIATION OF PARTNERS FOR PUBLIC LANDS
BLUERIBBON COALITION
THE CORPS NETWORK
EQUINE LAND CONSERVATION RESOURCE
INTERNATIONAL SNOWMOBILE MANUFACTURERS ASSOCIATION
NATIONAL ASSOCIATION OF STATE PARK DIRECTORS
NATIONAL MARINE MANUFACTURERS ASSOCIATION
NATIONAL PARK HOSPITALITY ASSOCIATION
NATIONAL RECREATION AND PARK ASSOCIATION
NATIONAL SKI AREAS ASSOCIATION
NATIONAL TOUR ASSOCIATION
NATIONAL WILDLIFE FEDERATION
OUTDOOR INDUSTRY ASSOCIATION
PUBLIC LANDS SERVICE COALITION
RECREATION VEHICLE DEALERS ASSOCIATION
RECREATION VEHICLE INDUSTRY ASSOCIATION
SNOWSPORTS INDUSTRIES AMERICA
SOCIETY OF OUTDOOR RECREATION PROFESSIONALS
SOUTHEAST YOUTH CORPS
SOUTHWEST CONSERVATION CORPS
STUDENT CONSERVATION ASSOCIATION
TREAD LIGHTLY!
UNITED FOUR WHEEL DRIVE ASSOCIATIONS



April 3, 2014

The Honorable Rob Bishop, Chairman
House Subcommittee on Public Lands and
Environmental Regulation
1324 Longworth House Office Building
Washington, DC 20515

The Honorable Raul Grijalva, Ranking Member
House Subcommittee on Public Lands and
Environmental Regulation
1324 Longworth House Building
Washington, DC 20515

Re: Federal Lands Recreation Enhancement Act, Hearing and Discussion Draft

Dear Chairman Bishop, Ranking Member Grijalva, and Members of the Committee:

Outdoor Alliance is a coalition of five national, member-based organizations, including Access Fund, American Canoe Association, American Whitewater, International Mountain Bicycling Association, and Winter Wildlands Alliance, that represents the interests of the millions of Americans who paddle, climb, mountain bike, hike, and backcountry ski and snowshoe on our nation's public lands, waters, and snowscapes. Collectively, Outdoor Alliance has members in all fifty states and a network of approximately 1,100 local clubs and advocacy groups across the nation. Our members and the human powered community at large have a significant stake in the fees associated with access to and recreation on our public lands, and therefore in the reauthorization of the Federal Lands Recreation Enhancement Act (FLREA).

We sincerely appreciate the opportunity to comment on the Subcommittee's FLREA reauthorization Discussion Draft and hope that the comments that follow will be of assistance in generating a strong final product for this important legislation.

It is important to note that user fees are in no sense an adequate substitute for full funding for land management agencies. Funding of public lands is an important investment in the health and well-being of all Americans, as well as a critical and economically sound investment in the \$646 billion per year outdoor recreation economy, which employs 6.1 million Americans and generates \$39.9 billion in federal tax revenue and \$39.7 billion in state and local tax revenue each year.¹ All of the benefits provided to Americans by outdoor recreation depend on adequate funding for the maintenance and management of our public lands.

The human powered recreation community generally has concerns regarding the broad application of permits and fees to low-impact recreational uses of public lands. We recognize, however, that fees may be warranted at high-traffic places of access to public lands, for developed facilities, or under circumstances where high levels of demand in excess of an area's carrying capacity necessitate an

¹ OUTDOOR INDUSTRY ASSOCIATION, THE OUTDOOR RECREATION ECONOMY I (2012).

administrative response. We believe that the Discussion Draft (dated March 4, 2014) largely adheres to these principles; however, we have some concerns about important aspects of the Draft. Our comments that follow suggest improvements to the Discussion Draft that we believe will improve clarity and make certain that fees and permits are used to benefit the recreation experience on America's public lands.

I. Section 804. Day-Use Site Fees

Outdoor Alliance recognizes that high-traffic points of access to public lands may require fees in order to ensure safe and sanitary conditions and prevent high levels of use from becoming unsustainable. We believe that Section 804 of the discussion draft appropriately limits the areas where fees can be charged by requiring toilet facilities alongside three of the four additional listed amenities (trash collection, permanent interpretive materials, picnic tables, and routine presence of agency law enforcement). In our view, the toilet requirement ensures that agencies will limit fees to areas of truly high use while ensuring that those areas, in turn, remain sanitary and sustainable. We would support a change from the requirement of "agency law enforcement," however, to a requirement for a regular agency presence at the site, as regular maintenance can often be more important than law enforcement. Additionally, we believe that inserting the term "Site" into the section header would help to clarify that this fee is intended to apply to discrete locations, not for access to undeveloped public lands.

II. Section 806. Recreation Fees

Developed Recreation Sites

Broadly speaking, Outdoor Alliance supports the ability of agencies to charge for use of highly developed recreation sites as described in Section 806 of the Discussion Draft. We recommend changing the heading to "Developed Recreation Site Fees" to clarify that this section is intended to apply to discrete sites that are visited for recreational purposes.

The provisions included for Lifeguard and Medical services are not populated and are somewhat inconsistent with the other categories of site-based fees. In most circumstances we have found that a well coordinated emergency response plan is best achieved with local emergency medical services. If the intent is to allow the agencies a cost recovery mechanism for incidents where these services are necessary, it may be better accomplished under Sec 803 as stand-alone authority to recover costs for emergency medical services in the same manner as local EMS providers.

Developed Winter Recreation Sites

As it stands, the Developed Winter Sports Sites section allows fees to be charged where a majority of listed amenities are present—regular mechanical grooming; lighting; a system of designated and mapped trails; regularly serviced and well maintained toilet facilities; developed or designated parking; routine presence of agency law enforcement; and trash collection. This would allow agencies to charge fees at areas with trash collection, law enforcement, toilets, and designated trails, but no grooming or parking. To ensure that fees are only collected at truly developed sites, Section 806(a)(10) should be amended as follows:

(10) DEVELOPED WINTER SPORTS SITES - Winter sports sites which are highly developed, with accessible parking, a system of designated and mapped trails, and containing a majority of the following amenities:

(A) Regular mechanical grooming.

- (B) Lighting.
- (C) Regularly serviced and well maintained toilet facilities.
- (D) Routine presence of agency personnel.
- (E) Trash collection.

Prohibition on Recreation Fees

We support this policy, but feel that it would be improved by relocating it to Sec. 807 to distinguish a use-based fee from a site-based fee. Specific language alteration suggestions are incorporated in our comments on Section 807 below.

III. Section 807 Special Recreation Permit Fees

Prohibition on Recreational Use Fees

As currently composed, we believe Section 807, Special Recreation Permit Fees, has the potential to inequitably subject a somewhat arbitrary list of low-impact, sustainable uses such as backcountry and wilderness travel, river running, and bicycling to fees in contradiction to the policy embodied in Section 806(b) of the Draft. As mentioned above, relocating Section 806(b) to Section 807 would help to distinguish a use fee from a site fee, but also help clarify that the default position is that permits and fees are not to be imposed on what are generally considered to be low-impact, dispersed recreational activities.

High Demand Experiences

With that general principle in mind, we also recognize that in some situations demand for a recreational experience exceeds the ecological or social carrying capacity of a specific area or resource to sustainably provide that experience. Often this results in a limited-entry permit system like those governing paddling on the Middle Fork Salmon in Idaho or climbing at Mt. Whitney in California. Our members generally support well-managed and equitable limited-entry permit programs in these areas, as they ensure high quality and sustainable recreational opportunities.

We also realize that issuing limited-entry permits carries a cost, and we support recovery of those costs through reasonable fees. However, in no case should the fee associated with the permit be set at a level such that the fee itself becomes the mechanism for limiting use.

Our concern with Section 807 as currently drafted is that any activity (or combination of activities) can exceed the capacity of a resource, but as drafted, only the listed activities would be subjected to permit systems. It is inequitable to have special permit fees for paddlers but never for anglers, for bikers but never for horseback riders. Section 807 is a tool that should be available to manage any activity or group of activities via a limited-entry permit system or specialized management and mitigation.

We recommend that Section 807 be amended to be inclusive of any form of recreation rather than limited to an exclusive and somewhat arbitrary list of specific activities. We further recommend that any fee under Section 807 be applied only in cases where a formal public planning process has resulted in a limited-entry permit system.

Group Gatherings And Events

Special recreation permits and associated fees are also acceptable for group gatherings or events such as races, festivals, or other short-term uses where the number of users will have an impact on the

landscape or other users. In those cases, fees should be commensurate with the expected cost of mitigating or repairing the anticipated effects.

Cost Recovery

We are also concerned by the cost recovery language of Draft Section 807(b). Rather than the broad list of considerations provided, we believe that the potential costs to be considered when setting a use fee should be more narrowly tailored to the specific rationale for implementing a permit or fee system. Fees should be set to address the costs of administering a permit system designed to ensure sustainable levels of use, offsetting potential impacts from an event or use, or other costs directly associated with maintaining a high quality recreation experience. The title of this section should also be changed to more accurately reflect these policy considerations.

Stewardship Credits

Outdoor Alliance welcomes the Discussion Draft's proposal for a pilot program to allow user groups and organizations the opportunity to enter into temporary agreements with land management agencies to offset permit fees by providing maintenance or restoration work on public lands. Many such groups already perform stewardship work pursuant to their conservation and sustainable recreation ethic. Most, if not all, of these groups have far greater volunteer resources than they do financial resources, and for these groups, a stewardship credit program could greatly enhance their ability to promote and truly enhance public recreational access to the outdoors.

Our proposed language changes to Section 807 are captured below with ~~stricken language~~ and additions.

SEC. 807. SPECIAL RECREATION USE PERMITS AND FEES.

(a) *PROHIBITION ON RECREATION USE FEES.*—*Except as provided for in section 804, 805, 806 and 807, recreation and special recreation permits and fees shall not be charged for the following private, noncommercial activities:*

- (1) *Camping outside of developed campgrounds.*
- (2) *Cross-country skiing, snowshoeing, or other nonmotorized winter sports or access for the same.*
- (3) *Access to a snow play area.*
- (4) *Equestrian trail use or access.*
- (5) *River rafting, canoeing, kayaking, or similar access.*
- (6) *Wildlife viewing.*
- (7) *Hunting or fishing.*
- (8) *Biking.*

(~~a~~ b) *SPECIAL RECREATION USE PERMITS AND FEES.*—*The Secretaries may issue a special recreation permit and charge a special recreation permit fee in order to recover some or all the costs directly associated with the following specialized recreation uses, where they are otherwise authorized:*

- (1) *Off-highway vehicle use.*
- (2) *Snowmobile use.*
- (3) *Permits for group gatherings (such as weddings, sporting events, rallies, competitive gatherings, and reunions).*
- (4 3) *Commercial outfitting and guiding.*

- ~~(5) 4) Recreational mining activities.~~
 - ~~(6) 5) Harvesting of Christmas trees.~~
 - ~~(7) Backcountry and wilderness permits—~~
 - ~~(A) Under the following conditions:~~
 - ~~(8) River Rafting, Canoeing, Kayaking and Similar Activities—~~
 - ~~(A) Under the following conditions:~~
 - ~~(9) Biking—~~
 - ~~(A) Under the following conditions:~~
- (6) Group activities or events involving seventy-five (75) or more people.*
(7) Any recreational use where demand for a particular recreation asset (e.g., a trail, river, mountain peak) exceeds the carrying capacity of the landscape.

~~(b c) COST RECOVERY FEE AMOUNT CONSIDERATIONS.—~~In setting the fee for Special Recreation Permits *issued under 807(b)* the Secretaries may consider the *direct* costs associated with the activities authorized, ~~under 807(a)~~, including—

- ~~(1) trail and facility construction;~~
 - ~~(2) maintenance;~~
 - ~~(3) natural and cultural resource monitoring;~~
 - ~~(4) restoration;~~
 - ~~(5) emergency response and law enforcement;~~
 - ~~(6) signage and user education;~~
 - ~~(7) permit administration.~~
- (1) Permit administration,*
(2) Restoration activities needed because of the use or event,
(3) Other direct costs required to maintain the quality of the experience for which the fees are being paid.

~~(e d) RELATION TO OTHER FEES.—~~Special recreation fees may be charged in addition to day-use fees, entrance fees, and recreation *site* fees, in areas where those fees apply.

~~(d e) STEWARDSHIP CREDITS.—~~

- (1) Not less than 1 year after the enactment of the act the Secretaries shall establish a pilot program for Forest Service and Bureau of Land Management Lands, at not less than 20 units, where groups are issued a credit against any required special recreation permit fee in exchange for otherwise unreimbursed maintenance and resource protection work performed in agreement with the land manager upon the public lands where the special recreation permit fee applies when the group:
- (A) submits to the fee unit their qualifications to adequately and safely maintain or improve trail or river access;
 - (B) submits to the fee unit or area an itemized accounting of labor and materials costs associated with such maintenance or improvements;
 - (C) is willing to offset or share the costs with the Secretary.
 - (D) receives, from the fee unit manager, permission to maintain or improve access;
- (2) Three years after the enactment of the act the Secretary will provide the Committee on Natural Resources of the House of Representatives and the

Committee on Energy and Natural Resources of the Senate a status report of the pilot program, including the number of participating sites, total amount of the credits offered and suggestions for revising the program.

IV. Expenditures

The outdoor recreation community has broadly expressed concern that revenue from FLREA be used to support recreational infrastructure, such as through investments in trail maintenance and construction. As we understand the proposed Section 812 of the Discussion Draft, revenue from fees would be available for this type of expenditure, but not require it as a priority. We support Section 812, as well as the provisions of Section 811 aimed at ensuring that revenues remain local to the areas collected. We recommend the following *additions* to SEC. 812.(a)(1) to ensure these policies are carried into the field:

SEC. 812. EXPENDITURES.

(a) Use of fee revenue:

{1} Shall be *primarily* used to enhance recreation opportunities *at the site where the fees are collected*;

V. Public Process

Outdoor Alliance strongly supports the improved public participation provisions found in Section 808 of the Discussion Draft. We believe this process will improve transparency and responsiveness in fee setting, and will have an overall salutary effect on the fee program. For clarity, it may be appropriate to consolidate Section 804(a)(4) into Section 808.

VI. Concessionaire Fee Authorization

A recent decision² by the U.S. District Court for the District of Columbia has held that concessionaires of land management agencies are not bound by the limitations found in FLREA, allowing them to charge for more than just the direct use of services and amenities which they provide. The outdoor recreation community believes that private concessionaires operating on public lands must be held to the same standards as land management agencies.

Concessionaires operate through public-private partnership agreements with public land managers to service and maintain areas on public lands that the agency is unable or unwilling to manage. From the beginning of the Recreational Fee Demonstration Act, and through the initial ten years of FLREA, the public has had concern that that user fees would someday restrict their access to public lands. This recent court case confirms that FLREA indeed authorizes user fees at certain entry points to public lands, not just for those that directly use the services and amenities provided by the concessionaire, but also simply to park and walk through the area to access the backcountry. This court decision threatens the public's traditional right to free and egalitarian access to federal lands, and gives private businesses the ability to charge for access to public lands in a way that land management agencies could not. Concessionaires should be held to the same standards as the agencies and should be allowed to charge users only for the direct use of services they provide. We request that the Discussion Draft be

² BARK, et al. v. U.S. Forest Service, et al., 1:12-cv-01505-RC (D. D.C. March 28, 2014).

amended to clearly state that concessionaires are subject to the same restrictions on levying fees as the management agencies from which they derive their authority.

VII. Inclusion of U.S. Army Corps of Engineers

The U.S. Army Corps of Engineers currently manages more than 12 million acres of public lands, hosts 370 million recreational visitors annually, and is the largest single provider of water-based recreation in the country.³ The Corps manages 7,700 miles of trails, nearly 100,000 camp sites, 54,800 miles of shoreline, and 3,500 boat launch ramps.⁴ Nevertheless, it is excluded from FLREA under current law and under the Discussion Draft. Consequently, the Corps is unable to retain fees generated from recreational use, limiting its ability to reinvest in the important outdoor recreation amenities it manages and provides. Outdoor Alliance would strongly support the Subcommittee in efforts to explore including the Corps in a reauthorization of FLREA, helping them to continue in maintaining and expanding recreation opportunities and in partnering with the outdoor recreation community.

Best regards,

Adam Cramer
Executive Director
Outdoor Alliance

Cc

Brady Robinson
Executive Director
Access Fund

Mark Menlove
Executive Director
Winter Wildlands Alliance

Wade Blackwood
Executive Director
American Canoe Association

Lee Davis
Executive Director
The Mazamas

Mark Singleton
Executive Director
American Whitewater

Martinique Grigg
Executive Director
The Mountaineers

Michael Van Abel
Executive Director
International Mountain Bicycling Association

³ U.S. ARMY CORP OF ENGINEERS, RECREATION OVERVIEW, <http://www.usace.army.mil/Missions/CivilWorks/Recreation.aspx> (last visited Apr. 1, 2014).

⁴ *Id.*

THE WILDERNESS SOCIETY,
APRIL 18, 2014.

Hon. ROB BISHOP, *Chairman*,
House Subcommittee on Public Lands and Environmental Regulation,
Washington, DC 20515.

Hon. RAÚL GRIJALVA, *Ranking Member*,
House Subcommittee on Public Lands and Environmental Regulation,
Washington, DC 20515.

DEAR CHAIRMAN BISHOP, RANKING MEMBER GRIJALVA, AND MEMBERS OF THE SUBCOMMITTEE:

The Wilderness Society respectfully submits this supplemental statement for the record for the hearing on the Federal Lands Recreation Enhancement Act, 16 U.S.C. § 6801 *et seq.*, 118 Stat. 3377 (Dec. 8, 2004) (“FLREA”). The FLREA hearing took place on April 4, 2014. We have the following additional comments on the testimony provided at the hearing.

Limiting Agency Programming on Public Lands

In reauthorizing FLREA, Congress should not limit the ability of the land management agencies and their staff to offer programs directly to the general public. Providing educational information and outdoor opportunities to Americans on the public lands that they own is a core function of the land management agencies, and it is entirely appropriate that the agencies be able to perform this function. Placing limits on this activity would eviscerate the role of the land management agencies, and excessively privatize agency functions. Agency staff should retain the ability to provide these services in places and activities that agency managers deem appropriate.

Statutory Standards For “Extent Necessary” Determinations

During the hearing, it was suggested that Congress should pass legislation establishing a statutory standard for making “extent necessary” determinations for commercial activities in Wilderness. See section 4(d)(6) of the Wilderness Act, 16 U.S.C. § 1133(d)(6). Any effort to codify a statutory standard for extent necessary determinations is beyond the scope of FLREA, and the subcommittee should not complicate the already complex process of reauthorizing FLREA by taking on this potentially controversial issue.

Streamlining the Permitting Process

We agree that some streamlining of the special recreation permitting process is warranted, but urge the subcommittee to be cautious about how this is done in order to ensure that it does not significantly undermine the National Environmental Policy Act, 42 U.S.C. § 4321 *et seq.*, 83 Stat. 852 (NEPA). Any recalibration of the application of NEPA to the permitting process should recognize that some environmental review of outfitter-guide decisionmaking is necessary and appropriate. Thus, the agencies’ authority and obligation to perform this review should be preserved.

If the subcommittee believes there should be increased use of categorical exclusions in the permitting process, the subcommittee should authorize the agencies to develop these exclusions. However, in doing so, the subcommittee should include a limiting principle that ensures that CEs are not used to authorize outfitting and guiding in all circumstances without any environmental review. Without a limiting principle, the agencies may be pressured to use CEs in situations where the authorized activity would have significant environmental impacts, and the use of a CE would be inappropriate.

Diversion of LWCF

We oppose the use of the Land and Water Conservation Fund of 1965, 16 U.S.C. § 4321 *et seq.*, 78 Stat. 897 (LWCF) for maintenance on public lands. LWCF has its own funding source, drawn mainly from annual OCS revenues that far exceed the amounts credited to the Fund. These revenues reflect a promise made to the many communities across America that rely on these resource lands, and on the conservation and recreation economies they support. They are essentially a capital account, to be reinvested in lands of lasting value to all Americans—NOT an operating account to be diverted to annual upkeep needs.

While the backlog of maintenance needs must be addressed, it is penny wise and pound foolish to divert resources away from the purchase of lands and easements,

therefore neglecting current and future community needs. It is also important to maintain the intent of the original LWCF Act, which is to balance the depletion of one Federal asset by investing in another capital asset, in this case, the public lands and outdoor recreation infrastructure that benefits all Americans.

Conclusion

We thank the subcommittee for the opportunity to share our views on the reauthorization of FLREA.

Sincerely,

PAUL SANFORD,
Senior Recreation Specialist.

