

RECREATION FEES ARE HERE TO STAY

December, 2004

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I can hear ghostly groans generated from across America as I sit here in my office in Virginia writing this article about Recreation Fees. Why? Because most people have a philosophical hatred for the fee concept. Recreation Fees are those fees charged by a federal agency to recreationists to use federal land. The first recreation fees were established under the Recreation Fee Demonstration Act (Fee Demo).

As you may remember, I have been working on a position paper for United regarding recreation fees for several years. This project began by polling members and non-members alike to determine whether there was support or opposition to recreation fees, who and how often four wheelers used fee areas, and what was working and not working with the old Fee Demo program.

I published the results of our United Recreation Fee survey in the Voice last year. In a nutshell, I asked if Congress refused to fund enough money to maintain the roads used with your 4x4, which solution to funding needs would you support most. None of our members supported closure as an option, however 5% of non-members did. Overwhelmingly, members would chose a fee program over some other program and would chose to pay a fee instead of some other program.

Only 34% of members used fee areas and only 40% of non-members used them. Based on my prior experience in talking with people about fee areas I had anticipated that 80% or 90% of people currently ride at some point during the year in a fee area. There seemed to be so much animosity toward the concept of a fee program that I attributed it to actual user experience. Based on the survey responses I concluded that people, members and non-members alike, disagree with the philosophy of having to pay for access to public lands rather than actually disagreeing with the program as implemented on the ground. This is clearly shown by the fact that barely a third of our members are even effected by the program on the ground in the places they ride. Equally surprising was the fact that of the people that do recreate in a fee area, a strong majority of them feel the fee amount is fair.

Some members have asked me why United would ever support a concept to pay to play on federal lands we already pay taxes to maintain. This is the heart of the debate surrounding recreation fees and the philosophical hatred of the concept. United's position first and foremost is that the public should never have to pay fees to use public lands. However, this position doesn't recognize the reality on the ground that for the past 20 years Congress has not given our land management agencies enough money to manage motorized recreation and our public roads and trails.

Some people claim that our recreation money problems could be solved if Congress simply spent more money on public land management. Maybe so, but Congress hasn't. Some people claim that there is no real maintenance backlog. Maybe there isn't, but that excuse (or lie as some believe) is still used overwhelmingly as a justification for OHV route closures. If Congress won't spend more of our tax dollars on recreation and if the agencies won't change the way they spend the money they do get what are we to do to save our riding areas?

One solution would be to do nothing. I've seriously considered doing that because doing nothing sits better with some of our members than supporting fees. Doing nothing would be the easy way to avoid any public relations problems United might cause if we ultimately decided to support recreation fees. However, the world moves around us even when we sit idle.

I informed you as early as the summer of 2002 that the fee demo act would be coming up for reauthorization before Congress in 2005. I predicted in 2002 that if we did nothing, or if we opposed a reauthorization of the fee program, we could stand to risk the loss of many current and future riding areas. There were several outcomes that I was concerned about.

The first concern I had was that the fee program would be killed and places like Upper Tellico OHV area (NC and TN); Land Between the Lakes (KY); Uwharrie National Forest OHV area (NC); Dumont Dunes, Johnson Valley, Stoddard Valley, El Mirage, and Imperial Sand Dunes OHV areas (CA), and other current fee areas would be closed if fees could no longer be collected at these areas to help support maintenance costs.

The second concern I had was that the fee program would NOT be killed and a reauthorization of the program would be worse than the program we already had. As predicted, in 2003, Representative Ralph Regula (R-OH) introduced H.R. 3283, the Federal Lands Recreation Enhancement Act. This bill proposed to reauthorize the fee program by allowing some federal agencies to charge fees for accessing federal lands used for recreation. Despite continued lobbying in Congress by very vocal organizations opposing the fee program, Mr. Regula's push for his fee program bill could not be stopped.

In response to H.R. 3283, and based upon the findings of the United 2002 Recreation Fee survey, United drafted its own version of a bill to authorize a fee program. Our version differed significantly in several ways.

Most significantly, we included provisions for establishing a public advisory council for the purpose of monitoring and prioritizing fee expenditures and establishing new fee areas in order to avoid misappropriations by the agency. The United bill required the council to be comprised of each use type so that motorized interests were adequately represented on the council. Neither the original fee demo program nor H.R. 3283 provided for such public input. United presented our version of the bill to the House Subcommittee on Forests and Forest Health in June of 2004.

In late November, 2004, Mr. Regula attached a rider to the 2005 Omnibus Appropriations Act. Fortunately, there were significant improvements in this rider compared to the bill Mr. Regula sponsored in 2003. The rider was approved as part of the overall appropriations bill in December 2004. See a comprehensive summary of the new permanent Recreation Fee program elsewhere in this edition of the Voice. There are several highlights of the new Recreation Fee bill.

First, provisions for a Recreation Resource Advisory Council (RRAC) were added. Impressively, the bill not only requires a citizen RRAC to help guide agencies with their fee areas but the bill expressly prohibits the creation of the RRAC unless the agency assures that participation on the committee is balanced. The committee is comprised of 11 seats from three distinct groups - 5 from recreation users; 3 from interest groups, and 3 from government interests. Of the 11 seats, 3 are required to be motorized interests, 3 are required to be non-motorized interests, 1 is required to be from a local environmental group, 1 is required to represent hunting and fishing interests, and 3 are required to be from local government interests including state tourism officials, Indian tribes, and local government interests.

Second, the guidelines for where a fee area may be established are pretty strict and all revolve around areas that provide users with increased amenities. Unfortunately, a blanket "entrance" fee may still be charged by the National Park Service and for entry into National Wildlife Refuges. However, such an entrance fee (or parking pass) is prohibited for areas managed by the Bureau of Land Management, U.S. Forest Service, or U.S. Bureau of Reclamation.

There are a few trouble spots with the program. First, it is unclear how areas that need increased amenities become fee areas prior to the development of the area. For instance, if an OHV area is heavily used and the agency claims it does not have the necessary money to build amenities such as permanent trash receptacles and toilet facilities that are required for public health and safety reasons the bill doesn't explain how that area can become a fee area to collect the needed funds until AFTER the amenities are built - which money the agency claims it doesn't have.

Second, the bill authorizes the Secy. to issue special recreation permits and charge a fee for the permits for use such as motorized recreational vehicle use. This section of the bill is only a one sentence statement that is totally ambiguous. Is this authority in addition to the authority the agency has in its regulations to require Special Use Permits or Special Recreation Permits? What criteria will be used by the Secy. in determining where and when to require such permits and fees? Can such a permit and fee be required for the use of a single vehicle, even where amenities are not provided?

This bill is not the perfect bill that United lobbied for. However, it is by far a vast improvement over Mr. Regula's 2003 bill.

United's position continues to be first and foremost that fees should never have to be imposed for recreation on federal lands. However, at the end of the day (or should I say at the end of the past two years) we feel strongly that it was the correct thing to do to participate in the political process to ensure that the final bill we ended up with was a bill we could live with.

I would like to thank the United Land Action Fund, and in particular Alan Lane, for his research of the fee demo program. The information he compiled regarding current fee projects and General Accounting Office reports on the status of fee programs was invaluable in aiding United in drafting improved options to the fee demo. program.