FSEEE Forest Service Employees for Environmental Ethics

P.O. Box 11615, Eugene, OR 97440 Tel: (541) 484-2692 Fax: (541) 484-3004 Email: andys@fseee.org

Testimony of Andy Stahl
Before the House Committee on Natural Resources
Subcommittee on Public Lands and Environmental Regulation
Oversight Hearing on "Citizen and Agency Perspectives on the
Federal Land Recreation Enhancement Act"
Washington, D.C., June 18, 2013

My name is Andy Stahl. I am Executive Director of Forest Service Employees for Environmental Ethics, a 10,000-member coalition of civil servants who manage our national forests and citizens who own them. Thank you, Mr. Chairman, for this invitation to offer our perspective on the Federal Land Recreation Enhancement Act ("FLREA").

My testimony will address the following: 1) free vs. fee recreation; 2) land manager incentives; and, 3) our recommendations.

Free v. Fee Recreation

For many people, access to FLREA's "standard amenity" recreational opportunities is free of charge. These people include up to 50 million Americans who are permanently disabled (plus up to three additional accompanying adults), 60 million Americans under the age of 16, over two million active duty, reserve and national guard personnel and their one million spouses (plus up to three additional adults in a vehicle), and an unknown number of volunteers who contribute 250 service hours to land management agencies (plus up to three accompanying adults). In addition, about 50 million Americans 62 years of age or older qualify for almost-free recreation at a life-time cost of $10 (plus up to three additional adults in the vehicle).

In sum, over one-third, and perhaps as many as one-half of Americans, are eligible for free or almost-free vehicular access to federal land recreation opportunities for which the rest of America pays an annual or per visit fee. These opportunities include the use of standard amenity recreational facilities on national forests and BLM lands.

Few people begrudge these folks the free recreation on federal land that they enjoy. But, if we deem these Americans eligible for free or almost-free federal land recreation, why should not other Americans also enjoy free access to the public lands they own in common? For example, other public employees, such as firefighters and police officers, risk their lives in the line of duty no less than do our military heroes. Single mothers are, on average, more strapped financially than are seniors (compare median household income for seniors of $45,763 versus $25,172 for single moms). And is volunteer service to a federal land management agency of any less value to society than volunteering through a church, food bank, school, or scouts, as 64 million Americans do each year?

Land Manager Incentives

It has been argued that recreation fees provide a market-like incentive to federal land managers to provide the recreation demanded by fee payers. It's a nice theory, but has not worked well in practice. Recreation managers get no signal regarding the type or location of recreation desired by users when they purchase an $80 America the Beautiful annual pass. The annual pass provides as much information about recreation preferences to managers as taxes tell Congress how much to spend on Medicare versus food stamps.

Even where day-use fees are collected on site, the budgeting practices of federal bureaucracies often muddy the market signals. As former Oregon Dunes National Recreation Area district ranger Ed Becker explains in the attached essay, "it was evident that the Fee Demo funds collected on the Oregon Dunes Recreation Area were being used to offset reduced appropriations across other districts in the southern zone. Tracking these funds at the level of the Supervisor's Office became a futile exercise as appropriated, partnership and Fee Demo funds were mixed and shifted between resource programs and districts." Ranger Becker's experiences moved him from an avid fee proponent to a disenchanted recreationist "trying to decipher the myriad of passes that will keep me from getting a parking citation." To illustrate, the attached photograph of the Cape Perpetua Overlook shows no fewer than three official government placards that try to explain the fee program at this standard amenity fee site (also see photo attached for a picture of the $5 "amenity"). Last week, during a several-hour visit to the overlook, I noted that four-fifths of the automobiles parked at the site did so without paying the fee or exhibiting one of the eligible annual passes.

Ranger Becker's experience is not an isolated one. At the Mendenhall Glacier visitor center (the first built on national forest lands), the Forest Service re-allocates fees collected at the center to subsidize low-revenue recreation facilities elsewhere on the vast Tongass National Forest. Even while the visitor center's facilities are often overwhelmed with cruise boat tourists who experience less-than-clean bathrooms and the discourtesy of having to pay to enter what is predominately a commercial gift shop. Annual passes and the re-allocation of day-use fees from popular sites to subsidize lesser-used facilities waters down whatever "incentive" signals fees might otherwise provide to managers.

Recommendations

What makes sense for almost half of Americans should make sense for all. FSEEE recommends that Congress re-authorize FLREA, but delete the authority in 16 USC 6802(f) to charge standard amenity recreation fees on Forest Service, BLM and Bureau of Reclamation lands. This amendment would retain fee authority for entrance to national parks and for the "expanded amenity" recreational uses for which fees have been authorized since 1965, e.g., developed campgrounds and cabin rentals.

We also recommend that the recreation appropriations for the three affected agencies be increased by an amount no less than the value of the standard amenity fee receipts paid in 2012.

FEE DEMO: A PROMISING PROGRAM FALLS SHORT

BY ED BECKER

I first heard about the Recreation Fee Demonstration program in 1997 when I was the district ranger on the Oregon Dunes National Recreation Area in the Siuslaw National Forest. At the time, I was excited by the prospect of a fee program. U.S. Forest Service ranger districts were increasingly impoverished and struggling to fund natural resource programs, and I believed that a local fee program would serve us better than the top-down federal budgeting process. It appeared as though Fee Demo just might be the lifeboat that was needed to keep the Oregon Dunes Recreation Area afloat. Our district was the second field unit in Region Six to implement the new legislation.

The time was ripe for a change. During the mid-1990s, the Clinton administration was discussing ways to increase government efficiency and improve customer service. Federal agencies were rewarded for innovative, "market-based" approaches to achieving these goals. Most of us can still remember Vice President Gore smashing ashtrays with $500 government-purchased hammers to emphasize the need to reduce government waste. Fee Demo legislation appeared to be a good first step toward more stable recreation funding, while providing for better customer service.

As a district ranger, I found two basic principles of the Fee Demo program especially appealing. First, and most importantly, 80 percent of the day use fees collected would remain on the local unit and be immediately available to invest on the *same unit* for improvement of facilities, as well as interpretive and other natural resource programs. The other 20 percent would be returned to the Regional Office, where the funds would be spent on administrative costs and agency overhead. These tenets were expanded in 1998 when all campground fees, which were previously returned to the

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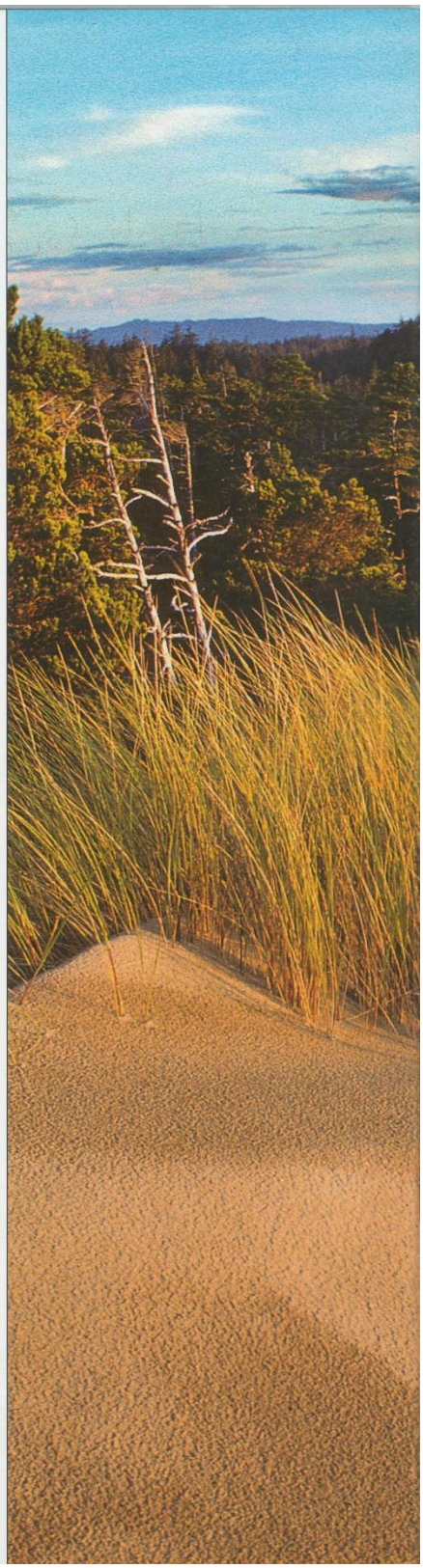
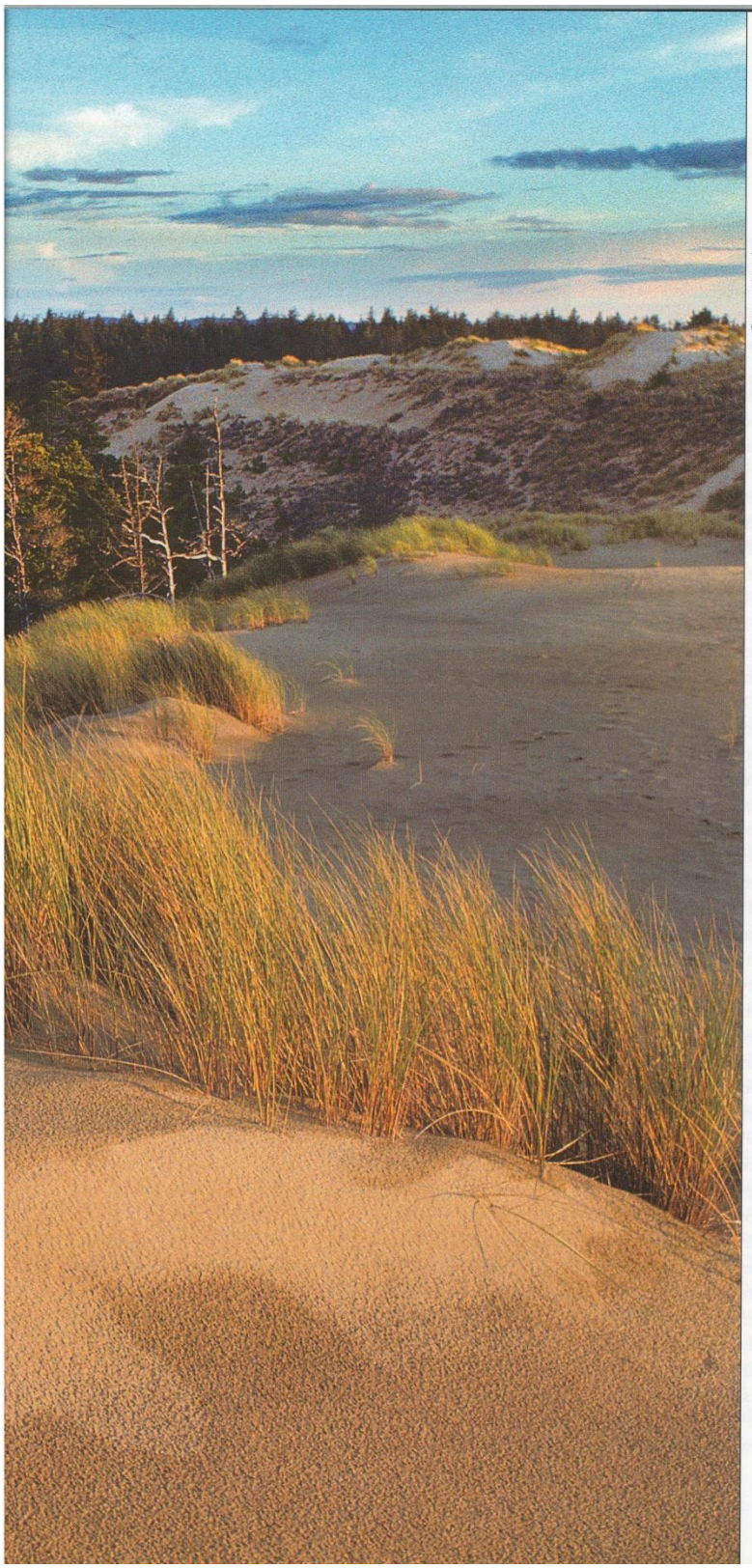




George Wuerthner

federal treasury, became available to on-site managers under the Fee Demo program.

The second principle of Fee Demo that I believed was essential for its success was that the fees collected *would not* offset congressionally appropriated funds made available through the normal budgeting process. In other words, fee demo dollars would be *supplemental* to the annual funds that field units received to manage their natural resource programs. This was especially critical. Supporters of Fee Demo understood that the success of the program was directly linked to showing the public that they were benefiting from paying additional fees.

Fee Demo provided recreation managers with an incentive to collect funds from various recreation user groups and to invest those funds in improved facilities and customer service. The belief was that if managers offered well-operated and well-maintained facilities, then recreation users would return and provide the revenues needed to sustain those and other worthwhile services. Conversely, customers would not return to recreation sites that provided poorly maintained facilities and inadequate services.

During fiscal year 1997, the Siuslaw National Forest in Oregon received authority

User fees paid for improvements in the Oregon Dunes National Recreation Area.

to begin implementation of the Fee Demo program. It was not well received by residents along the central Oregon coast, who were accustomed to accessing recreation areas at no charge. At a time when the coastal economy was suffering from losses in timber and commercial fishing jobs, many felt that Fee Demo was just another economic hurdle to overcome in pursuit of outdoor recreation.

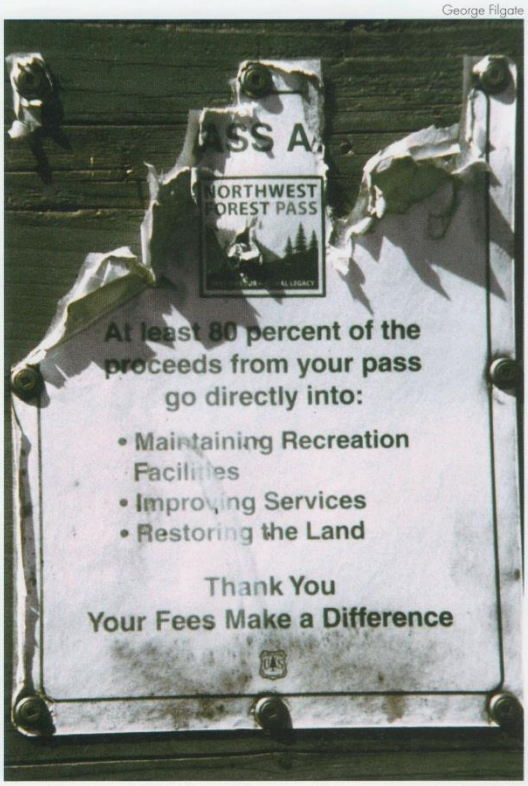
The arguments mirrored those in communities across the West: Fee Demo was just another tax on top of the federal taxes already paid; it would likely cost more to collect the fees than what would be gained. And eventually, the fees would disappear into the "black hole" of the federal bureaucracy, leaving nothing for local improvements. However, at the time I was convinced these scenarios could be avoided, and focused on making sure the program was successfully implemented on the Oregon Dunes.

The summer of 1997 was difficult. We built collection booths, installed fee vending machines and tried to explain the benefits of Fee Demo to a doubtful public. I don't remember hearing much public support for the program. Recreationists who came in large numbers to drive their dune buggies and all-terrain vehicles were especially vocal. They believed Fee Demo was another step toward complete closure of the Oregon Dunes to motorized recreation. The Surfrider organization challenged the Forest Service in court over having to pay fees to use public roads to access recreation areas outside the Recreation Area boundary. They won.

But despite the occasional episodes of discontent, by the end of fiscal year 1998 public outcry began to subside. We collected fees and deposited them in the local bank rather than sending them to the federal treasury. The Fee Demo money allowed us to plan and implement a variety of projects. We replaced campground and day use area restrooms, added shower facilities, expanded beach access parking lots, improved hiking trailheads and trails and refurbished our visitor center in Reedsport with new exhibits and twenty-four-hour access to visitor information. The forest provided an annual report informing the public on how Fee Demo funds were spent.

By 1999, the Oregon Dunes Recreation Area was collecting close to three-quarters of a million dollars annually in day-use fees; this was in addition to the $1 million in recreation appropriations the unit had historically been allocated through the federal budget process. I was starting to believe the Fee Demo program was an unqualified success—but that was about to change.

George Filgate



The public expressed displeasure over being charged a fee to recreate in previously free areas.

As the pot of Fee Demo money grew in the Dunes Recreation Area, the disparity between district recreation programs on the Siuslaw National Forest that had large sums of fee dollars and those that didn't became more evident. In 1999, new forest leadership attempted to address that disparity. The Supervisor's Office reduced federal recreation appropriations to our area and allocated more money to districts that had collected fewer Fee Demo dollars. This "leveling" process reduced the Oregon Dunes' working budget by half and required the unit to operate mainly on Fee Demo and partnership funds. Forest-level decisions resulted in a series of inter-district "transfers" of Fee Demo funds to keep other facilities open. At the supervisor's direction, Fee Demo funds were also

Accountability for Fee Demo funds was becoming less transparent, and was falling victim to traditional bureaucratic budget processes. I was starting to realize that negative public sentiment regarding the Fee Demo program might be correct after all.

used to shore up declining appropriated funds across the forest. In addition to recreation, fee demo funds were now being used for law enforcement, wildlife habitat protection and other natural resource programs.

A continuing decline in the Siuslaw National Forest's budget eventually led to a forest reorganization, which in turn ushered in a "zoning" of available resources, as well as Fee Demo funds, across some district boundaries. By 2000, the forest was consolidating ranger districts and managing coastal recreation as a zone organization, with centralized control of Fee Demo funds coming from the Supervisor's Office, rather than the Ranger Districts. By the end of 2001 it was evident that the Fee Demo funds collected on the Oregon Dunes Recreation Area were being used to offset reduced appropriations across other districts in the southern zone. Tracking these funds at the level of the Supervisor's Office became a futile exercise as appropriated, partnership and Fee Demo funds were mixed and shifted between resource programs and districts.

The original principles of Fee Demo—that most fees would be reinvested on the collecting unit and that the fees would not offset appropriated funds—were gradually being discarded. Accountability for Fee Demo funds was becoming less transparent, and was falling victim to traditional bureaucratic budget processes. I was starting to realize that negative public sentiment regarding the Fee Demo program might be correct after all.

As Congress debates permanent legislation, I hope it takes a close look at Fee Demo's inherent weaknesses: confusion over passes and enforcement, collection costs, funding too much overhead with fee dollars, the public's avoidance of some areas for fear of being cited, and the "disappearance" of Fee Demo funds into the Forest Service's budget. It won't be easy to kill Fee Demo—it's already firmly embedded in the agency's budget, and the bureaucracy will resist any attempt to extract these funds from the system. And certainly increased funding for public recreation programs needs to come from somewhere. However, I've come to believe the original 1996 Fee Demo legislation has been misinterpreted and misdirected, and I'm not sure that the new Federal Lands Recreation Enhancement legislation, the permanent fee collection progam that replaced the fee demo program in 2005, will be any better.

I retired from the Forest Service in 2003 and now view the Fee Demo system from the position of a member of the public rather than a federal manager. As a hiker and backpacker, I frequently use Forest Service parking lots and trailheads, and find myself trying to decipher the myriad of passes that will keep me from getting a parking citation. Each year I buy the latest annual pass. I've evolved from using the Siuslaw National Forest Annual Pass, the Oregon Coastal Pass, the Northwest Forest Pass and the Golden Eagle Pass, to the new and improved America the Beautiful Pass that provides access to all federal recreation sites in the country. As with most users of federal lands, I try to be legal and truly want to support public outdoor recreation. I also find myself avoiding some recreation sites for fear I haven't got the correct pass for that particular area.

Last summer, after nine days of backpacking in the North Cascades National Park in Washington, I arrived back at my car to find a yellow parking citation from the Mount Baker–Snoqualmie National Forest. My America the Beautiful Pass was clearly visible on my dashboard, and I concluded that even the fee collector was confused as to whether my $80 pass was legal. Forest visitors aren't the only ones experiencing "pass confusion" these days.

I deposited the citation in many little pieces in the garbage can next to the Easy Pass trailhead restroom. It felt good not to litter.

Ed Becker retired from the U.S. Forest Service in 2003 after twenty-eight years. He spent his last twelve years as a district ranger on the Siuslaw National Forest, and wrote in favor of the Fee Demo program in Inner Voice, *1998.*

Cape Perpetua Overlook Fee Signage

Cape Perpetua Overlook amenity

Cape Perpetua Overlook’s Priceless View