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WESTERN SLOPE NO-FEE COALITION
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Testimony of

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Before the

Subcommittee on Forest and Forest Health

Committee on Resources

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Oversight hearing on the

Forest Service Recreation Fee Demonstration Program

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Mr. Chairman and distinguished members of the Subcommittee:

Thank you for the privilege of testifying before you today regarding the Recreational Fee Demonstration Program. I am Robert Funkhouser, President of the Western Slope No-Fee Coalition.

The Western Slope No-Fee Coalition is a broad-based group consisting of diverse interests including property rights advocates, hiking, boating, and motorized interests, community groups, local and state elected officials, conservatives and liberals, Republicans and Democrats, and just plain citizens. We have members and member groups in 33 states. Our mission is to end the Recreational Fee Demonstration Program, to require more accountability within the land management agencies, and to encourage Congress to adequately fund our public lands.

Fee Demo began as an appropriations rider in 1996 and has been extended four times through the appropriations process. It is beginning its eighth year as a "demonstration" without legislative hearings or congressional debate. It is time, and past time, to make the hard choices necessary concerning the future of this controversial program. While we can support making fee retention permanent in the National Parks only, and so testified on September 9th in the Senate in support of S.1107, the program as it relates to the Forest Service, Bureau of Land Management, and Fish and Wildlife Service must be allowed to expire as scheduled on October 1, 2004.

The National Parks have a long history of charging entrance fees, an existing collection infrastructure, and a higher level of development and service that the public expects.

As opposed to the implementation of the Recreational Fee Demonstration Program in the National Park Service, Fee Demo has proven to be a failure in the Forest Service, BLM, and Fish and Wildlife agencies. These fees were formerly limited to developed campgrounds and a few highly developed recreational sites carefully defined by Congress in the Land and Water Conservation Fund Act of 1965. Under Fee Demo, fees have been allowed to spread to hundreds of undeveloped and minimally developed areas. Americans are now being charged fees for such basic services as picnic tables, roads, and trails, and for access to vast tracts of undeveloped public land. It is these new fees that have been so unpopular and controversial, and that we are opposed to.

Opposition to Fee Demo has been overwhelming and widespread. From New Hampshire to California, from Idaho to Arizona, Americans from all walks of life and all political persuasions are raising their voices against this program. Resolutions of opposition have been sent to Congress by the state legislatures of Colorado, Oregon, California, and New Hampshire. Ten counties in western Colorado as well as counties, cities, and towns across the nation have passed resolutions opposing the program. Hundreds of organized groups oppose Fee Demo, and civil disobedience to it is rampant. In California alone, over 200,000 citations have been issued for refusal to pay the fees.

These new fees are a new tax and they are a double tax. For those who enjoy motorized recreation they are often a triple tax. These individuals pay sales tax for their vehicles, gas tax for their fuel, extra registration fees, and income tax to pay for land management. Now under Fee Demo they are required to pay an access tax to recreate on their public lands.

Fee Demo is 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 such as mine in western Colorado, where 87% of the land is federally managed, public lands are an integral part of life. To mandate that those local residents carry a heavier burden of funding our land management agencies is unjust and unfair.

Fee Demo is also a regressive tax because it discriminates against lower income and working Americans. A Forest Service study showed that 23 percent of lower income Americans no longer visited our public lands due to the fees. It stated that 49 percent of all Americans regardless of income use the public lands significantly less due to the fees.

Fee Demo is a financial failure as well. The General Accounting Office recently released the findings of an audit concerning the Fee Demo program in the Forest Service (GAO-03-470). They found that in FY2001 the Forest Service used \$10 million of appropriated funds for administration of the Fee Demo program and to augment collection costs. This \$10 million, almost one-third of their total fee revenues, had been previously unreported in the agency's annual report to Congress. The GAO also found that the agency had been under-reporting the costs of administration, collection, and fee enforcement. Although the Forest Service claimed the program was a success, with gross revenue in FY2001 of \$35 million, the truth is that the program brought in far less than \$15 million because the cost of overhead, collection, and enforcement was well over 50%.

Until the GAO audits the BLM and Fish and Wildlife Service Fee Demo programs, their true financial results are uncertain, but as it stands, the net revenues for these two agencies in FY2001 are estimated at less than \$4 million.

The public has rejected the notion of Fee Demo, and it is of little financial value to the American taxpayer.

The Fee Demo program has changed the mission of the land management agencies from one of resource management and stewardship to one of revenue generation. It allows the three agencies to appropriate their own funds without any congressional oversight. This creates a perverse incentive to maximize revenue at the public's expense, and has resulted in excesses of implementation and enforcement such as charging fees for unimproved backcountry areas, forest wide fees, simple picnic tables, and parking.

This lack of accountability is especially alarming in light of the Forest Service's history of financial problems. The GAO has labeled the agency's financial management practices as "high risk" time and time again. A recent report stated that "Congress and the American people have no idea what the Forest Service's 30,000 employees do with the \$5 billion they are given in appropriated dollars annually. This leads to waste, fraud, abuse, and mismanagement."

While we encourage Congress to support public lands with adequate appropriated budgets, this funding must go hand in hand with increased accountability. As long as the agencies are a black hole for appropriated funds, it makes no sense to supply them with an independent source of revenue, bypassing Congress and the public. That is exactly what Fee Demo has done.

Fee Demo had its origins in the agencies' claims of billions of dollars in backlogged maintenance, and in Congress's frustration that appropriated funds were not making it "onto the ground." The Forest Service continues to starve maintenance and operations budgets by using specifically designated appropriated dollars for other projects. Reports are that between \$10 million and \$100 million has been taken to fund the Outsourcing Initiative. It was recently announced that maintenance and operations budgets would be raided to fund the Healthy Forest Initiative. The agencies continue to use the dollars appropriated for maintenance and operations for other purposes while still claiming an ever-growing backlog in these areas.

GAO reports reveal that the agencies are unable or unwilling to identify and quantify the maintenance backlog, while continuing to build new facilities and infrastructure that only add to the maintenance needs of the future. Much of this is meant to commodify our public lands in order to sell them back to the tax-paying public. There are funds already allocated that, with reprioritization, can be used to pay down the maintenance backlogs in the three agencies and eliminate the very reason for this program. One obstacle to accomplishing this is the budget firewall that currently exists between funds for capital infrastructure and funds for operations and maintenance. The land managers should be encouraged to reprogram existing budget dollars to where they are most needed. The firewall must come down. Appropriated dollars should be used to maintain what we already have first, before building additional infrastructure. This budget reform, along with more congressional oversight, not less, is the only way to get the dollars onto the ground to

benefit the land and the taxpayers that supply the funding.

Fee Demo is an attempt to introduce the concept of “user pays” into the management of our public lands, completely reversing the previous system of public ownership supported by public funding. The Land and Water Conservation Fund Act of 1965 contained carefully crafted language defining what services were appropriate to charge fees for, such as developed campgrounds and mechanized boat launches. It also specified what services should not require a fee, such as roads, scenic overlooks, toilets, and picnic tables. Those guidelines served the American public well for over thirty years. Fee Demo threw all of that out when it allowed the land management agencies to charge for anything at all and keep the money without further congressional scrutiny. Allowing these three land management agencies to directly tax the public and retain those funds is fundamentally flawed.

Under Fee Demo, it is not just the public that has suffered. The agencies are experiencing an increasingly strained relationship with local communities and the public as a whole. The land management agencies are a tentative guest in many communities to begin with. When they assume a heavy enforcement role, as Fee Demo forces them to do, it erodes any positive relationship that had been built. Gene Chandler, the New Hampshire Speaker of the House, has said, “This program drives a wedge between local governments and public on one hand and the federal land management agencies on the other.” The longer the wedge stays in place, the harder it will be to repair the damage. Volunteerism suffers and community involvement suffers.

Fee Demo has been a failure. The 550 million acres administered by the Forest Service, BLM, and Fish and Wildlife Service are largely unimproved. They are the heritage of the citizens of this nation and have been maintained for generations through our taxes. Under Fee Demo, these citizens are being denied access to their lands unless they are able and willing to pay additional taxes in the form of fees.

Americans are passionate about their ownership of these lands. They feel that it is their heritage, as it was their parents' and will be their children's. They pay their taxes to maintain these lands, and they should not be treated as customers—or worse, trespassers—on their own land. Fee Demo takes ownership of these lands out of the hands of the public and gives ownership to the land management agencies. It is this change in relationship that is most disturbing. The recent proposal by the agencies to create a “National Pass” for access to all public lands is exactly the sort of extreme measure that results from the change in relationship created by Fee Demo. It makes trespassers out of taxpayers.

We call on Congress to hold the land management agencies truly accountable for the billions of dollars they receive every year, to create an avenue for appropriated dollars to reach the ground, and to limit the ability of the agencies to use maintenance and operations budgets for other uses. Fee Demo rewards the agencies for their shortcomings in these areas by giving them the ability to create an external source of revenue without congressional control.

The Recreational Fee Demonstration Program has been controversial since its inception. Fee Demo is a poorly implemented bad idea. It is fundamentally flawed and cannot be fixed. It has been unpopular with the public, has not been financially worthwhile, and has decreased the agencies' accountability to Congress and the people. The authorizing committees have never properly dealt with this program in the seven long years it has been in place. It has been extended through the appropriations process time and time again. After seven years it is clear that Fee Demo should be allowed to expire next year as scheduled.

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