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UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE
SENATE ENERGY AND NATURAL RESOURCES COMMITTEE
PUBLIC LANDS AND FORESTS SUBCOMMITTEE

CONCERNING

Implementation of the Recreation Enhancement Act

October 26, 2005

Mr. Chairman and members of the subcommittee:

Introduction

Thank you for the opportunity to appear before you to discuss the implementation of the Federal Lands Recreation Enhancement Act (REA) on National Forest System Lands. The Department appreciates the subcommittee's interest in how the Departments of Agriculture and the Interior are implementing this important program to enhance recreation opportunities and experiences for visitors to their public lands.

Visitors to the National Forests seek a broad and diverse range of recreation experiences ranging from highly developed resorts to remote wilderness settings. Annually we receive over 205 million recreation visits to the National Forests. The National Forests' share of outdoor recreation's economic contribution to the nation's total economy is over \$11.2 billion. Recreation is a major component of the overall contribution of all Forest Service programs to national GDP.

Congress has provided us with a valuable tool to enhance recreation opportunities in the form of the REA. Fees collected under REA are one part of a comprehensive recreation business model which identifies revenue and other resources based on congressionally appropriated funds, volunteer assistance, interagency cooperation, partnerships, commercial operations and funds leveraged from other sources.

The vast majority of National Forest System lands, and many recreation activities and sites on those lands, continue to be available without a fee. Over 60 percent of our developed recreation sites do not have a charge. Of the 5,654 developed trailheads on

National Forest System lands, 85% of them do not have a fee. We understand that National Forests are the backyard to many of our communities, and access to the backcountry that is not associated with developed facilities or services is and will remain free and available for the public to use and enjoy.

While the idea of charging fees for recreational use on the National Forests has been controversial in some cases, taxpayers benefit when the cost of public services is at least partially borne by the direct users of these services. We are implementing the provisions of REA in a careful manner and in coordination with those who enjoy recreational activities to achieve the greatest degree of public satisfaction possible.

Recreation Enhancement Act Overview

The Federal Lands Recreation Enhancement Act (REA), a part of the 2005 Consolidated Appropriations Act (PL 108-447), permits Federal land management agencies to continue to reinvest in recreation facilities and services by charging modest fees at campgrounds, rental cabins, recreation sites, and high-impact recreation areas.

The new Act provides for a nationally consistent interagency program, additional on-the-ground funding to enhance visitor services and reduce facility maintenance backlog at recreation sites across the nation, a new national pass for use across interagency Federal recreation sites and services, and more public involvement in the program. I will defer to the Department of the Interior to describe our plans for the new America the Beautiful Pass.

Public concerns over where recreation fees can or should be charged on Federal land are addressed in the new authority, which limits fees to recreation sites that have a certain level of development and that meet specific criteria. Additional safeguards include provisions that require the use of Recreation Resource Advisory Committees to provide recommendations for fee areas and fee amounts and to offer another opportunity for the public to participate in the recreation fee program.

The Act also provides agencies with recreation fee authority for 10 years, which will allow the agencies to improve the efficiency of the program, provide better facilities and services to visitors, employ greater use of technology, and enter into more fee management agreements with counties and other entities to provide additional services to visitors.

Implementation of Recreation Enhancement Act

With the passage of REA, fee authorities that we previously operated under, such as Recreational Fee Demonstration Program statute (Fee Demo) and provisions of the Land and Water Conservation Fund Act (LWCFA), were repealed. The passage of the REA prompted a major reexamination and retooling of our existing recreation fee program to bring facilities and programs into compliance with the new Act, and today I would like to bring you up to date on those efforts.

Five days after passage of the REA, the Deputy Chief of the Forest Service directed all fee increases and designation of new fee areas to be frozen pending policy development. Following the letter, teams of Forest Service managers from across the country met to develop policy, draft implementation guidelines and an implementation schedule to guide field units in applying the provisions of the new REA on the ground.

At the Departmental level, nine days after the Act was signed into law, the Interagency Executive Fee Council, comprised of officials from both Departments, convened and approved a draft implementation workplan that outlined the organizational issues and immediate, medium-term, and long-term actions needed.

On April 25, 2005, field units were sent the interim implementation guidelines and directed to review all their recreation sites and services to determine if they meet the criteria for charging fees described under REA. Units were given until June 3, 2005, to provide to the Forest Service Washington Office a list of all the sites and areas that comply with the new criteria. This effort was a massive undertaking within the Forest Service: over 17,000 individual sites were evaluated in developing the first nationwide database, which describes the amenities and attributes of those sites to help us insure that they meet the intent of the law.

Of the 4,505 sites on National Forest System lands that were previously charging fees under the LWCFA and Fee Demo authority, approximately 435 recreation sites (such as trailheads and picnic areas) were removed from the program because they did not meet the new criteria described under REA. For example, 19 trailheads on the Sawtooth National Recreation Area in Idaho and 21 sites on the Olympic National Forest were removed from the recreation fee program.

Our direction to the field units specifically prohibits them from assessing fees solely for:

- General access to national forests and grasslands and Bureau of Land Management areas;
- Horseback riding, walking, driving, or boating through areas where no recreational facilities or services are used;
- Access to overlooks or scenic pullouts;
- Undesignated parking areas where no recreational facilities are provided; and
- Picnicking along roads or trails.

Our direction to the field units prohibits them from charging an entrance or standard amenity fee to individuals under 16 years of age.

We are developing final Rule for Changes to 36 CFR 251, 261, and 291 to reflect new REA authority. We are also writing an Interim Directive to the Forest Service Manual which will provide a template for the field to use when publishing notice of new recreation fee areas in the Federal Register 6 months in advance of fees being charged as required by REA.

High Impact Recreation Areas

REA specifically prohibits the Forest Service, the Bureau of Land Management and the Bureau of Reclamation from assessing entrance fees for Federal recreational lands and waters. REA authorizes the agencies to charge a standard amenity fee for areas that provide a specific level of recreational development or services. We used the standard amenity recreation fee provisions in REA to provide direction in our implementation guidelines for designation of standard amenity recreation fees. The term standard amenity fee applies to both individual day-use facilities and areas that provide significant opportunities for outdoor recreation and that have substantial Federal investments. The Forest Service and the Department of the Interior agencies have identified areas that have a concentration of recreation sites that collectively meet the definition of a Standard Amenity Fee as "high impact recreation areas".

High impact recreation areas are areas that receive a high amount of recreation use and which require additional expenditures to manage the use and facilities contained within the area. These expenditures range from facility maintenance to costs that often is invisible to visitors such as graffiti and litter removal and hiring additional personnel to provide security and information to visitors. High impact recreation areas are specifically delineated areas that usually contain a multitude of recreation sites and services that have a common thread connecting them, such as a road corridor. A visitor will find within a high impact recreation area, all the required amenities within reasonable access in accordance with REA. To avoid multiple fees and to provide for more efficient fee collection, the fee charged is for the recreation use of the entire area, rather than for individual amenities or activities.

In identifying the high impact recreation areas, we carefully evaluated each recreation area to determine locations where significant public use is occurring and where significant investment is needed to manage recreation impacts. Each location is further evaluated to ensure that it offers the six amenities required by REA and that it has clearly defined boundaries and access points. Signing is critical to inform visitors where fees are required and where pass through travel or stopping at overlooks is allowed without a fee.

Implementing new recreation fee direction for over 17,000 sites is still a work in progress. While we gave our field managers until September 30, 2005, to implement the program, we continue to work on providing consistent signing for the public to enhance understanding of the fee program and on identifying areas that may not meet the criteria for charging fees. We will adjust size configuration and season of use of these areas, as needed, while we work with our local communities in addressing their concerns.

Differing local conditions and characteristics make it difficult to develop criteria for high impact recreation areas that fit all circumstances. We are planning on having our Recreation Resource Advisory Committees comment on the application of the criteria to each high impact recreation area we have identified. Building community and visitor

support for these areas is an important component in developing the fee program for High Impact Recreation Areas.

Recreation Resource Advisory Committees

Public participation, notification, and communication are vital to successfully implementing REA. Over the last six months, the Forest Service and the Department of the Interior have conducted 11 listening sessions across the nation to gather public input on the formation and configuration of Recreation RACs which are designed to provide recommendations from the public and interest groups on the recreation fee program. Based on what the public told us at these sessions, we developed a basic framework for establishing recreation fee advisory committees as required under REA. The Interagency Executive Fee Council approved this proposal on September 22, 2005.

Our proposal focuses on creating opportunities for the public to become involved through Recreation RACs at several different levels. The BLM has successfully utilized RACs established under the Federal Land Policy and Management Act, to guide the agency achieving a broad range of resource objectives. Interagency coordination is extremely important to provide seamless service to the public across lands managed by multiple agencies.

We plan to enhance this coordination and make efficient use of existing committees where it makes sense by establishing joint Recreation RACs, using BLM RACs. BLM RACs are established in most western States. We intend to expand the purview of these committees to incorporate the recreation fee review duties for both the BLM and the Forest Service, as enumerated in REA. To allow for local representation, we will work with the committees to establish recreation-focused subgroups where necessary.

We will build on successful models already in use such as the BLM Boise District RAC. This RAC makes recommendations on the Payette River recreation fee area which is jointly managed by the BLM and the Forest Service. In the Boise RAC case, an interagency agreement was developed between the Forest Service and the BLM to establish the general objectives and respective responsibilities of each agency and to clarify their relationship in working with the RAC. The RAC developed a charter to establish an advisory subgroup to identify issues and needs along the Payette River and to work with the agencies involved to review and provide recommendations on fee issues. We have attached a copy of the interagency agreement and charter documents to our testimony.

In areas or states where the BLM does not have RACs, such as in the Eastern United States, or in the State of Wyoming, we will work with state and local officials and interested publics to determine the need and appropriate scope for interagency Recreation RACs, as needed, in accordance with REA.

Going beyond the requirements of REA, we have agreed that the existing RACs and new Recreation RACs should be encouraged to provide recommendations on aspects of the

BLM's and Forest Service's recreation fee programs related to establishing new fee areas, abolishing fees, major adjustments in fee levels or rates, and expenditure of revenues. RACs could, for example, provide input on the method used to set fee levels and significant changes to fee levels. While the Interagency Executive Fee Council supports this general framework, several details still need to be resolved before publishing the BLM's and Forest Service's notice of intent to form Recreation RACs in the **Federal Register**. A Forest Service and BLM team is working to address these issues.

Additional Public Involvement

While Recreation RAC's will be used as a formal barometer of public opinion on establishing new recreation fee areas, we intend to use a variety of other public involvement processes in determining where recreation fees should be implemented. On September 28, 2005, the Departments issued a **Federal Register** notice, which established guidelines on public participation and public notice as required in the REA. The goals of the public involvement guidelines are to provide the public with opportunities to be actively engaged in establishment of any new recreation fee areas and to provide for effective ways to demonstrate annually how the public has been informed of how recreation fee revenues are spent. In addition, each local unit manager will continue to work with their local communities on issues and concerns related to the fee program.

Special Recreation Permits

REA authorizes the Secretary to issue a special recreation permit and charge a fee in connection with the issuance of a permit for specialized recreation uses of Federal lands, such as group activities, recreation events, and motor vehicle use. The Forest Service issues special use permits under this authority for short-term commercial recreation uses, such as outfitting and guiding, and recreation events. The permit fee revenue collected and expended on the ground will be of great benefit to recreation visitors as well as to the permit holder. Facilities used by commercial outfitters such as trails and trailheads will be better maintained which will improve the ability of permit holders to provide high quality recreation services to the public.

This authority is also used to issue special recreation permits to individuals for activities such as, white water river trips, off-highway vehicle (OHV) use and, in a limited number of cases, wilderness use. These permits are issued when we provide additional services beyond normal operation and maintenance, including constructing and maintaining specialized trails for OHVs and providing wilderness experiences in areas that receive high use.

We currently require a wilderness permit and permit fee for 8 of our 406 Congressionally designated wilderness areas that are within the National Forest System. These 8 areas had a permit prior to the enactment of REA that was authorized under the LWCFA. They include areas such as the Boundary Waters Canoe Area Wilderness on the Superior

National Forest in Minnesota and the Desolation Wilderness Area on the Eldorado National Forest in California. Each of these areas has special circumstances such as an allocated visitor use system, reserved and designated campsites, and, in a few areas, an aerial sewage removal program that entail costs beyond those incurred in our normal wilderness management program.

We are developing criteria to guide to our field managers in determining when such a fee is appropriate. We do not anticipate a large number of additional fee areas. We have no intention to use the fee authority as a tool to reduce recreation visitor use. Any decision to implement a permit system to allocate use in wilderness areas to meet management objectives will be made through our land use management planning process and associated recreation capacity analysis.

Revenue/Expenditures

In Fiscal Year 2004 approximately \$47 million was collected from recreation sites on National Forest System lands under the previous recreation fee authorities. Of this total, approximately \$40 million (85%) was reinvested directly back into the recreation program for such things as visitor services, resource protection, deferred and ongoing maintenance, and capital improvement of recreational facilities. A little less than 15% of that revenue was used for costs associated with the collection of fees. These data show that we are making tangible and effective use of our fee receipts for recreation improvements and services on Federal lands.

As a result of implementing REA, we anticipate a slight reduction in total revenue. Increased revenue from the authority to retain recreation special use permit fees for activities such as outfitting and guiding will more than likely be offset by the reduced revenue from developed and dispersed recreation sites due to the reduction in the number of sites and areas that meet the requirements of REA. Based on FY 2004 expenditures, recreation use fees represent approximately 25% of our total recreation operation budget. Recreation use fees are an important component of our total program and enable us to maintain many sites at a standard that would otherwise not be possible. Development or large expansion of recreational facilities is not the focus of our recreation fee program. Annually only about 5% of the total revenue goes towards capital improvement projects. Recreation use fees collected on National Forest recreation sites and areas are primarily used to keep the site open, safe and clean.

Conclusion

REA is less than a year old. The Forest Service manages approximately 193 million acres, including 122,000 campsites, 11,000 picnic sites, and 133,000 miles of trails, as well as many cabin rentals, boat launches and other facilities. Time will be needed to fully implement REA in a consistent manner that allows our visitors and partners to be fully involved in the process, Recreation RACs to be established, and signing and publications to be updated.

We are committed to implementing REA in a way that continues to reflect broad support of the public and Congress for enhancement of recreation on public lands, and we will work with the public and Congress to address concerns that may arise. We appreciate your support in allowing us this time to apply and adjust our plans where necessary to implement REA.

Mr. Chairman, this concludes my statement. I would be happy to answer any questions that you may have for me at this time.