Is This Land Our Land?

"Fee Demo" and the Threat to Corporatize Public Lands

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RESOURCES

Wild Wilderness is the deepest information source on this issue. Their site links to hundreds of sources on all sides of the issue.

248 NW Wilmington Ave.
Bend, OR 97701
541-385-5261
wildwilderness.org

Free Our Forests
Has excellent updates, legislative details and text of many resolutions.

449 Vista Ave.
Pasadena, CA 91107
freeourforests.org

Regional Action Groups

Rocky Mtn. Coalition for Public Lands
CO Springs, CO
719-510-4019

Keep the Sespe Wild
Ojai, CA
sespewild.org

ParkWatch
Eden, NC
336-623-6200

See freeourforests.org for links to many more groups.

Like many Americans, I didn't give much thought to the federal program called Fee De--officially, the Recreation Fee Demonstration Project--until I was told to pay.

Vacationing in Oregon, I returned to hike a favorite trail in the Three Sisters Wilderness, where I'd served one summer as a wilderness ranger years before. There I found a sign demanding that I pay $5 to park or face a fine of up to $100. Since the only way to reach this remote trailhead was by car, I essentially was being charged to hike.

The sum requested was modest, but the change in public land management policy that it represents is not--it challenges the very idea of these lands as *public*.

Until six years ago, such fees were expressly prohibited (with a few narrow exceptions) on most federally managed public lands, and strict limits were placed on commercial recreation activity. But the Fee Demo program established in 1996 has temporarily lifted those prohibitions. If Fee Demo is made permanent under legislation now before Congress, the door will be opened to widespread and destructive commercialization of lands that are a vital part of our national heritage.

Don't confuse these places with developed National Parks with their developed facilities and amenities, to which Americans have paid admission for nearly a century. Three Sisters Wilderness is not a Park, but part of the more extensive system of federally managed public lands that traditionally have offered free access and a minimum of commercial intrusion. The system includes 232 million acres managed by the Forest Service, 264 million acres by the Bureau of Land Management, 93 million by the Fish and Wildlife Service and 12 million by the Army Corps of Engineers (the military controls about 130 million acres). Forest Service lands alone exceed three times the size of the 75 million-acre national park system (1/2001 statistics)

Traditionally, these public lands are supported by our income taxes, and all Americans have a right to free access. That concept was reinforced by the Land and Water Conservation Fund Act of 1965, a law that explicitly prohibited any federal agency from charging us to access our public lands with the exception of National Parks and developed boating or campground facilities.

Amid the corporatization movement of the 1990s, however, Congress significantly reduced funds for the upkeep of public lands…for example, cutting the Forest Service recreation budget by more than a third between 1994 and 1999. Into this artificially-created financial crisis stepped the American Recreation Coalition, a consortium of major corporations and their advocacy groups that profit from motorized recreation and operating concessions, campgrounds, marinas and similar facilities.

Claiming that user fees could compensate for funding shortfalls, the ARC lobbied intensively for lifting restrictions on commercial activity and promoting "public/private partnerships." After defeat in a House vote, Fee Demo was slipped into the 1996 appropriations bill in committee, and passed with almost no public awareness or discussion. The measure authorized each of the four largest land management agencies to charge fees on up to 100 unspecified sites, up to 400 in all.

Originally a two-year test, the law was extended three times (each time without debate via packaging in appropriation bills), and now is authorized through September 2004. Though the groundswell of public outcry has proponents wary, efforts to make the program permanent are waiting to capitalize on any lapse in opposition.

This presents a new and serious threat. As long as Fee Demo was temporary, developers were unlikely to launch expensive building projects. If protections from corporate exploitation are removed permanently, not only will user fees be entrenched, but the recreation industry will seek to expand into previously off-limits ventures.

Inevitably, those who manage public lands will shift their priorities from protecting healthy ecosystems to ensuring their agencies' survival by making money. In1999, Francis Pandolfi, then the Chief Operating Officer of the Forest Service (and former CEO of Times Mirror Magazines), already was exhorting his agency to "fully explore our gold mine of recreational opportunities in this country and manage it as if it were consumer product brands."

In its "Recreation Partnerships Initiative," a close cousin to Fee Demo, the Army Corps of Engineers unabashedly says, "The intent (of corporate/public partnerships) is to encourage private development of public recreation facilities such as: marinas, hotel/motel/restaurant complexes, conference centers, RV camping areas, golf courses, theme parks, and entertainment areas with shops, etc."

American Recreation Coalition (ARC) president Derrick Crandall described what typically happens when private businesses contract to manage public facilities in an interview for Motorhome Magazine in 1998: "If you have three 40-site campgrounds in a district, we may well see that those are essentially closed and a new 120-site campground is built to today's standards." Now we're talking efficiency and profitability.

The ARC promotes user fees as a supplement to federal funding, but the facts show otherwise. Fee revenues merely have enabled further cuts in appropriated funds: The Deschutes National Forest in Oregon reaped $175,400 in user fees in 1998, then had its 1999 recreation budget cut by $175,800. It's a recurring pattern.

Forest Service publicity claims that 80 percent of Fee Demo revenues go right back to the land, but that's a sham. Private contractors get a cut from many of the fees people pay at campgrounds and trailheads. For example, most of Southern California's "Enterprise Forest" (I wish it were a joke) Fee Demo passes are sold by private businesses, which get a 20 percent cut. An additional 19 percent of receipts there are spent on fee collection and enforcement. Overall, at least half the Enterprise Forest fees go to overhead, and even under threats of $100 fines, barely half the public is paying.

Fee Demo netted less than $20 million for the Forest Service last year by even the most generous estimates. Compare this to the $407 million in our taxes the Forest Service used to subsidize below-cost tree sales to logging corporations in 1998 and consider: 1) the trailhead fees are a relative pittance and 2) similar subsidies from taxpayers is the prize motivating ARC's tenacious promotion of Fee Demo.

To most visitors, the fees are small, but they are demonstrably exclusive. In a study of New England sites conducted by the Forest Service and the University of Massachusetts, 23 percent of respondents with incomes under $30,000 said fees had reduced or eliminated their use in areas that had become "pay to play" sites.

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Fee Demo is only a first step. More costly and environmentally damaging measures--and higher fees-- likely will follow unless the program is halted.

Fortunately, awareness of the threat is growing; state legislatures in Oregon, California and New Hampshire all have passsed resolutions opposing the program and Colorado, where several county governments also have declared opposition to the scheme, also is weighing such a resolution (as of April 2002). Conscious non-compliance is widespread and groups have formed nationwide expressly to fight public lands corporatization.

The debate over trailhead access fees may distract from the greatest impact of Fee Demo--abolishing the strict limits to commercialism that have kept most public lands an oasis for the enjoyment of unspoiled nature and conservation of habitat for thousands of species.

Conserving our public lands and exploiting them for private profit are fundamentally conflicting goals. We should demand an end to Fee Demo and that Congress restore the public lands funding that was stripped from the general budget.

If Fee Demo is not halted soon, there will be scarce chance of removing it. After years of paying this user tax, many Americans will have forgotten that public lands were intended to be accessible by all Americans…a birthright to protect, not a commodity available to those who can afford it.

By Jeff Milchen, ReclaimDemocracy.org director. First published as "Land of the Fee" in the Washington Post June 24, 2001. Scott Silver of Wild Wilderness provided research assistance.

RECLAIM DEMOCRACY!

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What You Can Do

1. Don't Buy It. Purchasing a pass to engage in undeveloped recreation, research or other activities on your public lands is a vote of consent. You may be threatened with fines for disobeying.

2. Support local and federal efforts to terminate the program. Currently HR1139 is the best federal bill to support. See freeourforests.org "opposition" page for extensive info on federal legislation. *Contact us for the latest on Colorado.*

3. Talk About It. Let friends, family, and your organizations know about this problem. Get word out in your regional media. Videos are available.

4. Organize or Join a Local Protest on June 15, 2002--a national day of action against Fee Demo. Free Our Forests has an extensive list of links to regional opposition groups.

See sources on page one for detailed information on each of these items and more ideas.

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