

Public Lands Foundation

Position Statement: 2010-07

Recreation Use Fees on the National System of Public Lands

June 28, 2010

Executive Summary

The Public Lands Foundation (PLF) supports the collection of fees for recreational uses of the National System of Public Lands administered by the Bureau of Land Management (BLM). Fees should be collected at recreational facilities provided by BLM, but not for casual use of the land. Fees so collected should be returned to the Bureau for use in maintenance of the recreation facilities.

Background

Recreational use of the public lands includes a very broad spectrum of activities. It includes all of the recreational pursuits ranging from quiet meditation by individuals to large organized events attended by thousands of persons. Some activities such as driving for pleasure on roads and highways do not involve consumptive use and are primarily paid for through fuel and motor vehicle taxes. Other recreational uses include the removal of resources such as hunting and fishing, rock collecting, gold panning, etc. Some of these uses are also regulated and permitted through regulations of specific state and federal agencies whose responsibility it is to manage a specific resource such as fish.

A recreational use fee is a direct charge made for the use and enjoyment of the National System of Public Lands recreational resources. Access to the Public Lands for recreation has been traditionally available with limited regulation and minimal direct costs. Fees have been generally restricted to developed sites.

Discussion

At issue is the implementation of fees and permits on a much wider basis. Specifically, when and where are recreation use fees appropriate for the use and enjoyment of the National System of Public Lands?

Entrance fees for National Parks, private theme parks and many other recreation facilities are an accepted practice. Users expect to pay entrance fees as well as specific use fees for additional services. In the case of private facilities, especially those in privately owned parks, users understand that private entrepreneurs are also entitled to a reasonable profit.

It is much less clear when and where similar fees are acceptable for use of the public land recreation resources. We recognize that the general public needs to be served by as simple a system for fee collection as possible and multi-agency collection systems can

sometimes help satisfy this requirement.

Some areas lend themselves to fee collection. These display clear evidence of value received for payment of fees. Such areas tend to be accepted by the public for the implementation of user fees.

General areas, especially in complex land patterns, do not lend themselves to fee collection; e.g., public roads normally used for commerce and general public access.

Any discussion of use fees for members of the general public to enter upon the Public Lands immediately raises questions of citizen's rights and privileges, which have been established, over time and may even raise Constitutional questions that extend beyond recreational issues.

Just as most Americans confer a proprietary bundle of rights to the concept of private ownership especially with respect to the right to limit ingress and egress, so do they assert a fundamental belief that they have an inalienable right to freely enter upon the public lands. Tempering these concepts of private and public ownership is the belief and understanding that rules must be established for the common good. Therefore, the right of eminent domain, environment protection and others are recognized as necessary even though not universally embraced.

Acceptance of increased regulation and fees is a highly emotional issue. As with other issues, such as gun control, a polarized response can be expected from many users and must be considered in any fee implementation process.

Also, a commonly held belief is that taxpayers have already paid for their use of public lands through their income taxes despite the fact that an individual's contribution to recreation use management through taxes is infinitesimally small.

In this atmosphere, during the trial fee programs implemented by State and Federal agencies, reactions have been very diverse. In some cases, approval and acceptance of fees has resulted but in other cases vocal opposition and non-compliance has occurred. Small provincial newspapers have even editorially advocated outright civil disobedience of the permit process.

The Public Lands Foundation strongly believes that the BLM should not be required to attempt to collect fees in lieu of appropriations, which have traditionally been provided by the taxpayers. In no case should use fees be used to substitute for tax based funding for the basic management of the recreation values of Public Lands. Stewardship of these lands and resources is the responsibility of all of the citizens and should continue to be funded through the managing agency budget process. BLM should cooperate with other Federal and State agencies to set up management units where fees can be collected to operate and maintain facilities across administrative boundaries. This is especially recommended where the land ownership pattern is fragmented. BLM should obtain similar agreements with private owners and should seek enabling legislation as necessary.

Fees and permits should be used where the direct impact of use requires regulation to maximize the enjoyment for users and where the operation and maintenance of facilities is clearly related to the use. On the other hand, general use fees either for individuals or

vehicles should not be implemented for casual use and fees should not be used in lieu of taxes.

PLF Position

1. Direct recreation use fees should be implemented only where the user can easily recognize and appreciate generally what the fee will provide. Recreation use fees should first be used to operate and maintain the facilities from which they are collected. Managers should be given authority to expend the balance of collected fees elsewhere on other recreational priorities.
2. A practice of collecting user fees for casual recreation use should not be implemented on the National System of Public Lands.
3. Fees should not be collected if the cost of collection requires a substantial cost simply to effect collection.
4. Use fees should never be used as a substitute for tax-based funding needed for the basic management of recreational resources.

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