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Comments: FW: Opposition to fees for visiting wilderness

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Caring for the land and serving people

From: Vicky Hoover [mailto:vicky.hoover@sierraclub.org]

Sent: Wednesday, November 6, 2019 5:28 PM

To: Peterson, Matt B -FS <matt.peterson@usda.gov>;

Subject: Opposition to fees for visiting wilderness

At the recent Wilderness Workshop in Bend, I expressed strong opposition to the concept to charging fees for wilderness. Thank you for inviting me to register my (and the Sierra Club's) opposition to charging fees for wilderness visitors, with you in writing.

Sierra Club recreational policy opposes fees to enter national forests and western lands of the Bureau of Land Management. We oppose fees for a variety of reasons, chiefly because:

1. History and tradition: America's public lands are a unique American value--a proud American tradition. No other nation in the world can boast such an extraordinary heritage, entwined with our special history (even as we respectfully acknowledge that originally these lands were stolen from the Native Americans.)

Imposing fees fundamentally alters Americans' relationship with their public lands. The public owns these lands--which agencies are hired to manage for us. The public is NOT a "customer"; experiencing a "good" provided by an agency. However, a fee paying visitor DOES then, in effect, become a customer forced to "buy"; a "good or service" provided by an agency.

2. Commercialization: charging a fee turns the experience of visiting our lands into a commercial venture; it turns recreational enjoyment of public lands into a consumer product that we must "purchase" as "customers"; as a "service" "offered" by our land managing agencies and their private corporate partners. Americans consider access to our public lands and waters as our birthright. Outdoor recreation on public lands must not be treated like a marketable and saleable commodity like grazing, logging, or mining
3. Financial hardship: The economic burden of fees falls most heavily on those least able to pay. Fees discriminate against low income forest users, who can't afford visits to private resorts. Making hiking, fishing and camping an expensive pastime could impact the health of millions of working class Americans. Public libraries and public schools are open to users at no cost because it is a public benefit for Americans to read and be educated. It is a public benefit for Americans to be physically healthy. Public lands should encourage Americans to exercise when they wish, and to be inspired by nature.
4. Reduction in other appropriations: Fee moneys coming in have not provided as much net addition to federal agencies' recreation budgets as one might imagine, or as agency publicity in support of fees gives the impression, partly due to high collection and administration costs, but also because fee revenue has been followed by further reduction in regular appropriations.
5. Prioritizing types of recreation: An agency depending on fee revenues will unfortunately be forced to prioritize the types of recreation which bring in the most money, which may well not be those that are easiest on the land or are most in tune with the public's desire for quiet recreation to "get away from it all".

Much of the above can relate to fees on all public lands, below, more specifically on fees in wilderness:

Of all public lands fees, fees for visiting wilderness are the least desirable and least defensible. This is because the philosophy, the principles of wilderness clearly denote freedom - the freedom of the land, and the freedom of those who take the trouble to visit it. In the Wilderness Act, this concept of freedom of the land is described as "wilderness character", and the managing agency is mandated to preserve wilderness character. Wilderness character, for management purposes, is generally defined as the sum of five separate components-untrammelled, natural, undeveloped, solitude and primitive, unconfined recreation, and "other provisions". Charging a fee to visit wilderness obviously negatively affects the first four components-or at the least, the first, third, and fourth. To justify charging a fee, then, managers must be able to show how positive effects on other components of wilderness character more than outweigh the total negative impacts. It must be obvious to all wilderness managers that a fee adds a "trammeling" aspect.

Fees to access wilderness should NEVER be used in popular wilderness areas as a tool to minimize recreational impacts, by keeping some people out. Having fewer visitors most likely leads to lower recreational impact of visitors. That may be a management goal, but such impacts of use can more fairly be controlled by visitor quotas, campsite restrictions and closures, and/or other regulatory options not related to fees. Admittedly, other types of managerial restrictions can also be viewed as "trammeling" but infinitely less so than fees, which have the additional unmitigable effect of "commercializing" a visitor experience. And commercial activities are not permitted in wilderness.

(A reservation fee, by itself, for the privilege of assuring a wilderness permit in advance, is ok - this is not the same as paying to visit the wilderness.)

The Wilderness Act has a mandate for maintaining wilderness character-and its prohibition of commercial activity. Wilderness character is negatively affected by charging a fee.

In addition, the agency must consider the requirements and limitations of the current federal fee authority, as outlined in the 2002 Federal Land Recreation Enhancement Act (FLREA).

According to 16 U.S.C 6802(f) subsection (d) headed "Limitations on recreation fees", there is a clearly specified

prohibition on fees for certain activities or services.

"The Secretary shall not charge any standard amenity recreation fee or expanded amenity recreation fee for Federal recreational lands and waters administered by the BLM, the Forest Service, or the Bureau of Reclamation under this chapter for any of the following:

- (A) Solely for parking, undesignated parking, or picnicking along roads or trailsides.
- (B) For general access unless specifically authorized under this section.
- (C) For dispersed areas with low or no investment unless specifically authorized under this section.
- (D) For persons who are driving through, walking through, boating through, horseback riding through, or hiking through Federal recreational lands and waters without using the facilities and services.
- (E) For camping at undeveloped sites that do not provide a minimum number of facilities and services as described in subsection (g)(2)(A) of this section."

Of course, we know well, the agency is hard up for funds to manage wilderness. Agency budgets are being cut, and this is lamentable and deplorable. I share your frustration. But-two wrongs do not make a right, and cannot justify pulling the teeth of America's proud and historic wilderness concept .

I know I share in some of the guilt, as I admit I (and other citizens) have NOT done an adequate job of lobbying our members of Congress for suitable appropriations for agencies. We have to do better.

One last comment: the workshop in Bend billed as seeking an "equitable" permit program was all about how to turn a basically unfair fee concept into something a little less blatantly unfair to the disadvantaged users. Soothing objections to fees by claiming to make them less inequitable is not a recipe for success or approval. The whole concept of charging fees is egregious enough, but in the workshop, the Forest Service, by seeking "comments" or "advice or solutions from the participants, was making these neutral participants into inadvertently complicit partners in this unfair venture.

Good luck. No time for more now, but the conversation should somehow continue.

Vicky Hoover,
Sierra Club
Senior Wilderness Volunteer
Retired chair, CA/NV Wilderness Committee