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ROBBED BY RAT'S

You're losing more than money when you have to pay to fish public water

By Ted Williams

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It sounded okay when Congress authorized it in 1996. The few sportsmen and environmentalists who even noticed vacillated between disinterest and mild approval. Starved for funds, as always, the Forest Service, Bureau of Land Management, National Park Service and Fish and Wildlife Service would charge the public new or increased fees for accessing its land to fish, hunt, boat, drive, park, camp, walk. . . . It was going to be an "experiment"--a three-year pilot program. That's why it was called the "Fee Demonstration."

Americans were used to paying entrance fees at national parks and wildlife refuges. But after Fee Demo was extended through 2001 they expressed outrage about what they came to call the Recreation Access Tax (RAT) on national forests and BLM land. Late in 2004 RAT was extended yet again--this time for 10 years--when Fee Demo was replaced with the Recreation Enhancement Act, a law that empowers the four agencies to charge even more access fees.

Scott Silver, director of the Bend, Oregon-based Wild Wilderness--one of the very few environmental groups that has sounded the alarm--lives two blocks from the Deschutes River, world famous for its steelhead. "At the end of town the Deschutes National Forest begins," he says. "Upriver for maybe five miles is what the Forest Service now calls a High Impact Recreation Area, and I cannot go anywhere there in a car without having paid. An access road runs parallel to the river, and there are about three perpendicular roads to it. You may be a mile away, but as soon as you enter one of those perpendicular roads you're confronted by a sign that says 'Entering Fee Area.' I use a kayak. You're not going to carry a kayak a mile."

"These fees have been very controversial to say the least," comments Rick Swanson, the Forest Service's respected river and wetlands point person. "Look at the reaction you get when you talk about saltwater licenses. The whole gauntlet of, 'Hell no I won't pay,' to 'Yeah we really need to kick in more.' It's the same thing with fees. Some people realize what's out there and what's at stake and how we're having trouble trying to provide recreation for the American public. The money is getting to the ground."

Swanson's saltwater-license analogy is especially apt, but not in the way he imagines. The real benefit of saltwater licenses has not been revenue for management but representation in management decisions for recreational interests (in this case anglers). The same is true of RAT. But what recreational interests are we talking about?

Fee Demonstration and the Recreation Enhancement Act were written by and for the motorized-recreation industry. There was no Congressional or public involvement. Both RAT laws were slipped through as midnight riders tacked to appropriation bills because the industry knew they couldn't survive open debate.

Sponsoring Fee Demo via a cost-share partnership with the Forest Service was the powerful American Recreation Coalition (ARC) whose membership is comprised mainly of manufacturers of ATV's, motorized

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trailbikes, jetskis and RV's. And joining ARC in lobbying aggressively for both RAT laws have been the National Off Highway Vehicle Coalition, the National Snowmobile Manufacturers Association and such odious "wise-use" fronts for the motorized recreational industry as the Blue Ribbon Coalition.

As a result, anglers now have fewer places to find quietude and wildness or listen to birdsong or the music of rushing water or wind through forest canopies. Hike into any remote stream or pond in non-wilderness and you're likely to be assaulted by the screech and whine of internal-combustion engines. Pretty discouraging when you've invested two or three hours, and the guys on the machines have invested 10 minutes.

Today ATV's account for five percent of all visits to national forests and grasslands. Ninety percent of BLM lands are now open to motorized recreation; the agency even sponsors races. And the machines themselves have grown from little farmyard putt-putts to monsters with double seats, megashocks, and 700-cubic-centimeter engines.

Recreational vehicles need to be regulated, not banned. "You're not going to get rid of them," says Scott Silver. "But you can't let these agencies look at motorized recreational industries and call them 'partners' and 'stakeholders.' That's nonsense. The environmental community is under the delusion that motorized recreation is somehow going to be managed with these user fees. No. It's going to be used and abused to give the industries the best advantage they can negotiate. Because we don't understand reality, they're negotiating better than we are."

But the recreational-vehicle issue is just a sidebar. Although Rick Swanson has it right about RAT funds getting to the ground (at least in most cases), appropriations from Congress keep disappearing into bureaucratic black holes. So RAT money--virtually none of which goes to fisheries research or enhancement--has become both a replacement for squandered wealth and an incentive for continued profligacy.

Instead of shaking down visitors for a few extra bucks on top of what the IRS has taxed them to buy and maintain the property, on top of what state game and fish departments and the Park Service have charged them for fishing licenses, on top of what the Fish and Wildlife Service has charged them to buy and maintain refuges, and on top of what campgrounds charge them to spend the night, the agencies might try not wasting the money they already have. For instance, the BLM and Forest Service could save \$2 billion a year and dramatically improve fishing and hunting by desisting from below-cost timber sales and unnecessary road building. The maintenance backlog for Forest Service roads (which could circle the globe 19 times) is \$10 billion. It can't even take care of the roads it has, and yet it's building new ones.

What's more, the non-motorized people paying RAT fees are the very ones most invested in public lands and who, in many instances, have volunteered to staff visitor centers, maintain trails, pick up litter, find lost hikers, remove invasive exotic plants, restore stream habitat, and backpack trout fry to high-country lakes. The best analogy I've seen is the Park Service sending France a bill for refurbishment and maintenance of the Statue of Liberty.

"I fish," wrote John Voelker in probably the most quoted statement on angling since Walton, "because I love to, because I love the environs where trout are found, which are invariably beautiful, and hate the environs where crowds of people are found, which are invariably ugly." But RAT puts federal resource agencies in the business of attracting crowds of people, thereby disfiguring the environs of trout. It motivates managers to ignore sportsmen and promote instead activities that damage fish and wildlife

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and conflict with fishing and hunting. Recreation becomes a business. Our rivers, lakes, grasslands and forests become Disneyfied amusement parks.

Noted outdoor writer and Field & Stream's erstwhile conservation editor Michael Frome offers this: "Stewardship of public lands--especially wilderness--often requires limitation of use, but [RAT] provides a powerful incentive for managers to avoid anything that will limit use--the more use they can generate, the greater their budgets. Money is not the simple answer, but Congress must provide the funding to do the necessary administration to maintain these national treasures for future generations. It should not order administrators to merchandise the resource in order to pay their salaries."

We're seeing the results of this incentive in a new Forest Service program under way (sans public participation or Congressional oversight) called "Recreation Site Facility Master Planning." The agency evaluates recreation facilities in each forest, then assesses them for profitability. In some forests this means closing almost half the recreational sites--the ones that generate the least revenue. The remote campgrounds and trailheads--places to which an angler seeking a quality fishing experience would naturally gravitate--are first to get disappeared. Bulldozers are knocking down campgrounds, dismantling latrines, even removing fire pits. You won't be able to even park.

For instance, the new master plan for the Mark Twain National Forest in Missouri calls for reducing "Recreation Areas" (containing one or more campgrounds, picnic areas, boat accesses or trailheads) from 53 to 30, campgrounds from 36 to 22, picnic areas from 41 to 25, and trailheads from 51 to 38. In Colorado about half the 140 campgrounds and other recreational facilities on the Grand Mesa, Uncompahgre and Gunnison national forests face closure. The BLM has just announced a similar plan.

RAT fees provide an excuse for Congress and the administration to chip away at critically needed programs such as the Land and Water Conservation Fund (derived from oil and gas exploration leases). The four agencies use the fund to purchase fish and wildlife habitat, an activity the president frowns on because the privatizers inside and outside the White House who have his ear contend that the feds shouldn't be "tying up land." The Land and Water Conservation Fund is supposed to provide \$900 million a year for public-lands projects to offset damage caused by offshore drilling. For 2007 the president has asked for \$84 million.

The Western Slope No-Fee Coalition estimates that the Forest Service will decommission about 3,000 campsites, day-use facilities, picnic areas, trailheads and parking places. "Very little budget money from Congress is getting to the ground," says the group's president, Robert Funkhouser. "About 80 percent is used for administration." As for anglers getting any return on their RAT investments, Funkhouser says this: "I stay pretty close to this subject, and I have never heard about fee revenue going toward fish or fish habitat. I would feel pretty comfortable saying it doesn't."

The same grim scenario is unfolding on our national wildlife refuges that the Bush administration--again, at the behest of privatizers--has placed on a starvation diet. RAT fees aren't helping. Last December I visited the Pahrnagat Valley National Wildlife Refuge in southern Nevada--a 10-mile ribbon of green in the Mojave Desert and one of the few places in this, our driest state, where the public can fish. The Upper Lake has a good population of largemouth bass, but it's infested with carp. The carp muddy the water, degrading bass habitat and preventing photosynthesis in plants that sustain waterfowl.

To keep the carp out the refuge installed weirs on the pathetic, irrigation-depleted remains of its water source, the White River. But it has no money to maintain the weirs (which are rotting where they stand)

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and no money to control the carp. This is a land of imperiled desert fishes--relics from extinct glacial lakes that have miraculously adapted to desert life. The refuge contains many springs that probably sustain federally listed species such as threatened White River springfish and possibly endangered roundtail chubs (clinging to existence in a nearby artificial pond and thought to be extinct in the wild). But the refuge can't even afford a biologist to inventory the springs. "I need that data to make good decisions," declares refuge manager, Merry Maxwell.

In January the Fish and Wildlife Service's eight-state, 54-refuge Midwest Region announced a plan to reduce the workforce by about 20 percent. "Our sense is that about a third of the refuges in that region are going to be in 'preservation status,' which means they'll be unstaffed," says Jeff Ruch, director of Public Employees for Environmental Ethics.

Summing up the whole sorry mess for all federal resource agencies is district ranger Cid Morgan of the Angeles National Forest in California: "We're going to have to do more with less until we do everything with nothing."

As abusive as RAT fees are in their own right, the Forest Service is abusing them further by playing fast and loose with the law. The Recreation Enhancement Act of 2004 was supposed to fix all the problems with Fee Demo. No longer would the public be charged just to, say, go fishing, but only if a site had "significant investment," which the act defined as six amenities: security services (staffers who check to see if you've paid), parking, toilets, picnic tables, permanent trash receptacles and permanent interpretation (signs with such messages as "Don't feed the animals").

What happened on the Deschutes National Forest is typical. "One day," says Scott Silver, "and I mean one day, the Forest Service goes out and buys a bunch of 30-gallon, galvanized trashcans and some chains and padlocks and drops them off at places they'd been charging without being in compliance."

A site has to have all six amenities. But the Forest Service has dreamed up a way of getting around the law by designating sections of forest as "High Impact Recreation Areas" (HIRA's). One corner of a HIRA has a sign; another corner, perhaps two miles away, might have a trash can. Three miles from both might be a parking lot. The Recreation Enhancement Act makes no reference, oblique or otherwise, to anything like an HIRA. The concept is simply Forest Service sleight of hand. And HIRA's are being set up all across the national forest system.

The Forest Service has been flouting even its own bizarre interpretation of the law. Last year it admitted to the Senate Subcommittee on Public Lands and Forests that 739 HIRA's didn't have the six amenities. Moreover, it had not bothered to report 627 of these HIRA's to Congress, a violation of the Recreation Enhancement Act, which forbids designation of new fee sites without public participation. And there are at least 3,000 former Fee Demo sites outside HIRA's that are still charging fees, many of them illegally.

When Scott Silver got a ticket for refusing to pay a RAT fee in a Deschutes HIRA he informed the US attorney that he would be representing himself in court. The feds immediately dropped the charge. But they prosecuted Christine Wallace, a Tucson legal secretary, who wouldn't pay two tickets for what amounted to hiking without a license on a Coronado National Forest HIRA in Arizona. While the Recreation Enhancement Act allows RAT fees, it specifically prohibits the Forest Service and BLM from charging entrance fees. Accordingly, the court found that by charging a fee for entering the HIRA and for parking, the Forest Service had illegally implemented the law.

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But the agency appealed and on January 16, 2007 won a reversal. If the ruling stands, it establishes case law that makes it a crime to fish or even get out of your vehicle on your own land without finding a ranger station (if one is open) and coughing up money that even the motorized-recreation axis that hatched RAT fees never intended for you to pay.

When federal agencies come to depend on funding from special interests the special interests wind up running the show. In the fish-rich Sawtooth National Recreation Area in Idaho, as on so much public land entrusted to the Forest Service, the campgrounds have been taken over by concessionaires. After a public-relations disaster in this land of fed haters, managers here have recently backed away from RAT fees. But the damage has been done.

"Services at the concessionaire-run campgrounds are minimal and charges are high," says former Idaho conservation officer Gary Gadwa, who now directs the Sawtooth Interpretive and Historical Association and volunteers for the Forest Service. "You might as well be paying to stay in an RV park. That's how expensive the campgrounds have become. We get 1.5 million visitors a year. This area is very popular for fishing--high-mountain lakes, streams, rivers and steelhead in the Salmon River. But very little of the [RAT] money went to fisheries or fisheries research and with all the fishing opportunities the need is great."

There's also a pressing need on the Sawtooth and elsewhere for monitoring species listed under the Endangered Species Act such as Chinook salmon, sockeye salmon, steelhead and bull trout. But the Recreational Enhancement Act explicitly prohibits the agencies from spending RAT fees for this purpose. The law was written by Rep. Richard Pombo (R-CA) whose career-long crusade against the Endangered Species Act got him defeated in the last election.

Empowered by RAT fees, concessionaires are taking over our national parks as well as our national forests. So bad has the Disneyfication processes become that in 2005 the Park Service nearly succeeded with a "draft directive" in which it would have raised additional funds through corporate sponsorship. Gale Norton, then secretary of Interior and the Bush administration's queen privatizer, called the proposal "exciting." Most any corporate enterprise, even alcohol, tobacco and gambling companies, would have been eligible for sponsorship. Had not the public recoiled in disgust, the promo might have read: "Fish Grand Teton National Park, brought to you by Wonder Bra."

Still, the Park Service has what it calls "Proud Partners" (American Airlines, Discovery Communications, Inc., Ford Motor Company and Unilever) whose monetary contributions allow them to cash in on the Park Service logo. And another overt effort like the draft directive of 2005 would be anything but a surprise.

Pombo and the motorized recreational industries that brought us RAT fees never intended them to benefit fish, wildlife or any of the other natural attributes that make our public lands so special. A veteran Park Service biologist told me this: "Back in 2000 the Bush campaign talked about the maintenance backlog in the parks. The strategy, as I perceive it, was to redirect fee dollars away from all the important projects that parks were spending them on--planning, resource work, management. The Recreation Enhancement Act has basically taken away the ability to fund those programs. And now the administration can say, 'Oh look we're spending millions on maintenance.'"

RAT fees are just part of a decades-old campaign to privatize government and the land it manages. Perhaps that agenda is best articulated by Republican spinmeister Grover Norquist, who runs the anti-

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tax lobbying outfit Americans for Tax Reform: "I don't want to abolish government. I simply want to reduce it to the size where I can drag it into the bathroom and drown it in the bathtub."

As long as Bush/Reagan-era privatizers wield power in the legislative and executive branches of government the future looks bleak. On February 2, 2007 the Forest Service's northern regional forester, Abigail Kimbell, took over for retiring chief Dale Bosworth, a decent, competent man who tried and often was not allowed to do the right thing and who pursued the administration's privatization agenda but without much enthusiasm.

Kimbell, on the other hand, has compiled a long record of brutal timber extraction and punishing her employees for doing their jobs, especially when it comes to defending fish and wildlife.

She says she wants to increase access fees.