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Durango Herald Editorial

Fee Demo Omnibus bill rider no way to legislate

In a parliamentary sleight of hand, Congress passed a measure last weekend to make permanent the controversial Fee Demo program. User fees for public lands are debatable, but this late-night, backroom deal was government at its worst.

Fee Demo, more properly called the Recreational Fee Demonstration Program, is a federal law enacted in 1996 and renewed yearly since 1999. It allows more than 350 federally owned parks, forests and recreational areas to charge the public to enter or use those lands.

It is highly controversial. Supporters say the fees allow for better upkeep of public property. They point out that much of the money stays where it is collected and say that without fees many facilities will fall into disrepair.

Opponents contend that the public should not have to pay to use public property. They worry that fees will prevent poorer Americans from enjoying those lands. And they are concerned that charging for the use of national forests and other undeveloped areas will lead to their commercialization.

Both arguments have good points. Charging modest fees at national parks, for example, makes sense. Those require and already have extensive infrastructure, which requires costly and ongoing maintenance. Asking users to pay a portion of that only seems fair. And, those fees can be structured so that working families are not priced out of their vacation visit to Mesa Verde or Yellowstone.

Charging the public for a stroll in the forest is another matter. Not only is that not warranted by associated costs, it could in itself lead to the creation of unneeded infrastructure.

A ranger might be needed to collect the fees, and more fees needed to pay the ranger. With more money, the local agency might be able to build more amenities. Those would then require more upkeep and justify more fees. The result could be a self-sustaining spiral of building and charging, and with it the transformation of wild lands into parks or, in essence, commercial recreation areas.

Our national parks are wonderful. So, too, in the right circumstances, are amenities such as marinas, restrooms, campgrounds and wheelchair-accessible paths.

But not every camp site needs indoor plumbing, and not every trail needs a guardrail. The caring for those areas, a category that does and should include most public lands, ought to be paid for with taxes collected from all Americans.

The ideas motivating both friends and foes of Fee Demo need to be worked out in accordance with some basic principles and recognizing the different kinds of property involved. Perhaps more important, however, the issues must be resolved in a public process. This is, after all, a question of public property.

Instead, Rep. Ralph Regula, R-Ohio, used what critics say was a last-minute deal with an Alaska senator to attach a resolution making Fee Demo permanent to the \$388 billion omnibus appropriations bill. That measure, necessary to fund much of the federal government, passed Saturday. As such, the Fee Demo resolution was never debated in the House, never voted on in the Senate, and probably never noticed by most of Congress.

Regardless of the merits or dangers of Fee Demo, that is simply wrong. How we use and pay for public lands deserves a full public debate. The next Congress should undo Regula's mischief and see that it gets one.