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Lawsuit Alleges Recreation.Gov Is Cluttered With "Junk Fees," Seeks Millions In Refunds

By Lori Sonken and Kurt Repanshek

Recreation.gov, a national portal for accessing recreational activities on federal lands, is cluttered with unauthorized and possibly illegal “junk fees” that potentially generate hundreds of millions of dollars for a government contractor hired to operate the site, according to a lawsuit.

The filing (*attached below*), which requests a jury trial and seeks at least \$5 million in damages, raises the question of whether Recreation.gov in effect has privatized public lands for the benefit of Booz Allen Hamilton, Inc., which operates the site. It was filed last month in the U.S. District Court for the Eastern Virginia and asks the court to order Booz Allen to refund to consumers [processing, lottery, and cancellation fees](#) charged on the Recreation.gov website and mobile app.

The lawsuit was brought by seven outdoor enthusiasts who are seeking to have the matter certified as a class-action matter covering “[A]ll individuals in the United States who were charged a Junk Fee on the Recreation.gov website and/or App.”

“We are not challenging the use fees that go toward funding access to federal lands. We are challenging the transactional junk fees that are being paid 100 cents on the dollar to Booz Allen,” said plaintiffs’ attorney, Wesley M. Griffith. He is with the law firm, Tycko & Zavareei.

Key to the plaintiff’s case is whether the fees are allowed under the Federal Lands Recreation Enhancement Act (FLREA), which specifically lists fees that can be collected at National Park Service, Bureau of Land Management, U.S. Forest Service, U.S. Fish and Wildlife Service, and U.S. Bureau of Reclamation sites and how they are to be spent.

A U.S. District Court ruling last year in Nevada held that a “processing fee” charged by Recreation.gov to access the reservation system to visit a national conservation area managed by the U.S. Bureau of Land Management was improperly administered because the public hadn’t been given an opportunity to review and comment on the fees when they were proposed, as required under FLREA.

The current lawsuit, which cited the Nevada ruling, alleges that Booz Allen’s fees are akin to questionable fees Ticketmaster affixes on entertainment ticket purchases, and which have surfaced in car rental agreements and even hotel stays.

The Biden administration has dubbed such add-on charges as “junk fees.” When the *Traveler* asked the U.S. Consumer Financial Protection Bureau whether it was looking into the Recreation.gov fee structure, staff recommended that the question be posed to the National Park Service. Staff there referred the *Traveler* to the Forest Service, which oversees the Recreation.gov program.

While the lawsuit seeks to recover hundreds of millions of dollars in fees for those who use Recreation.gov to reserve campsites, float rivers, and head into the backcountry in the National Park System and other federal lands, Booz Allen says the “allegations are grossly inaccurate and reflect a fundamental lack of understanding of Booz Allen's work supporting the government.”

“We are proud of our work and the value that Recreation.gov provides. We will vigorously defend

against these meritless claims,” added Ashley Howard, senior associate in media relations for corporate affairs at Booz Allen, in an email to the *Traveler*.

Incorporated in Delaware, Booz Allen is based in McLean, Virginia, and was founded in 1919. More than 95 percent of the company’s contracts are with the federal government. In FY 2022, Booz Allen’s revenues were \$8.4 billion, according to its website.

Recreation.gov’s Fee Structure

In 2016, Booz Allen signed a five-year-long contract with the U.S. Forest Service to manage the Recreation.gov portal for the federal government’s land management agencies, including the National Park Service. There are opportunities for annual contract extensions for another five years based on performance, according to testimony Rick DeLappe, program manager with the National Park Service, provided the U.S. House Subcommittee on Interior in May 2016.

“Instead of a traditional cost structure, the unique contractual agreement is a transaction-based fee model that lets the government and Booz Allen share in risk, reward, results, and impacts. This is a true public-private partnership – it uses no government money,” notes Booz Allen on its website.

While the government contractor says [there is no cost to the federal government](#) for operating recreation.gov, [media reports](#) and [court documents](#) in 2017 tied a \$182 million figure to the contract that was signed by the Obama administration in 2016. Additionally, in its Fiscal Year 2021 budget request, the Forest Service sought \$120 million for an “interagency funded contract [that] supports reservations for all recreation facilities on public lands that allow reservations.”

Requests to the Forest Service for details around that budget line were not answered. DeLappe also failed to respond to a request to discuss the contract. Janelle Smith, a Forest Service public relations officer who works with DeLappe on Recreation.gov, emailed the *Traveler* late this past Friday to say she would see what contract details she could share.

Until just recently, many national parks handled their own backcountry reservations and accepted the fees themselves. But in recent years parks have been pushed into the Recreation.gov system. Among the parks that recently transitioned to Recreation.gov for reservations were [Yellowstone National Park](#), [Bryce Canyon National Park](#), [Cumberland Gap National Historical Park](#), [Hot Springs National Park](#), and [Rocky Mountain National Park](#).

At [Congaree National Park](#), officials attributed a recent increase in campsite reservation fees to [the cost of using Recreation.gov](#) to manage reservations.

Understanding FLREA

The [Federal Lands Recreation Enhancement Act](#) authorizes five agencies – NPS, Bureau of Land Management, Bureau of Reclamation, Fish and Wildlife Service, and the Forest Service -- to collect specific fees for on-site improvements to be used to enhance the visitor experience, such as trail work, habitat restoration, and interpretive programs. The law allows the Park Service and Fish and Wildlife Service to charge entrance fees, and all five agencies to levy “expanded amenity fee” for specialized facilities, services, and recreation permits.

While the Secretaries of the Interior and Agriculture are responsible for establishing the fees, FLREA requires public participation in setting them. In their complaint, plaintiffs cite the 2022 case, *Thomas X. Kotab vs. Bureau of Land Management, et al.*, (*attached below*), where the court found that the \$2 recreation fee to visit Red Rock Canyon National Conservation Area in Nevada did not comply with the public participation requirements for setting fees under FLREA.

A random check of Federal Register notices by the *Traveler* turned up recent BLM notices for campground fees, but made no mention of the add-on fees charged by Booz Allen.

In a footnote the court added to the Kotab ruling, it rejected the BLM's contention that "Congress intended those agreements to impose visitor-paid fees separate from recreation fees."

"BLM also notes that the legislative history 'contains numerous references to the reservation system contractor's providing a recreation fee processing fee,'" the footnote continued. "At the hearing BLM cites, the only Senate references to the processing fee were negative ones, in which senators called into question the reasonableness of \$9 processing fees to reserve campsites that are charged in addition to the applicable recreation fees. These offhand discussions do not evince congressional intent to authorize such fees."

According to the Congressional Research Service, "the agencies have broad discretion in using fee revenues for purposes specified in FLREA that aim to benefit visitors directly. They include facility maintenance, repair, and enhancement; interpretation and visitor services; law enforcement; and certain habitat restoration. The Secretaries may not use more than 15% of collections for program administration, overhead, and indirect costs."

FLREA is authorized through October 1, 2023.

"Ongoing deliberations encompass whether to let FLREA expire, extend it, or make it permanent," wrote Carol Hardy Vincent in a CRS report.

Reauthorization discussions are an appropriate venue to address the multiple fees taxpayers pay to visit public lands.

The revenues Booz Allen garners from its add-on fees are separate from entrance and recreational fees (e.g., nightly campsite rentals, backcountry permits) charged by national parks and other federal agency recreation sites served by Recreation.gov.

The *Traveler* filed a Freedom of Information Act request in January seeking a copy of the contract to understand the exact financial terms but has yet to hear a response.

The plaintiffs maintain the unique arrangement earns Booz Allen a bonanza through the fees it charges on a per reservation basis. There are multiple categories of fees charged, including:

- \$15 nonrefundable application fee to float the Yampa and Green Rivers in [Dinosaur National Monument](#)
- \$10 cancellation fee for campsite cancellations
- \$10 change fee to add or remove a night's campsite stay or to move to a different site
- \$10 reservation fee to secure a backcountry permit
- \$6 nonrefundable reservation fee to obtain a climbing permit at [Acadia National Park's](#) Otter Cliffs
- \$2 nonrefundable administrative fee for vehicle trips to Cadillac Summit at Acadia National Park
- \$1 application fee for all lottery applicants to view fireflies at [Great Smoky Mountains National Park](#)

According to a statement DeLappe made under oath last year in the Kotab case (*attached below*), the processing fees are laid out in the contract. Under the contract, all fees go to the U.S. Treasury, which in turn reimburses Booz Allen the additional fees, he added.

Even when a federal agency does not charge a fee —such as for a timed entry permit at [Arches National Park](#)— Booz Allen levies a transaction fee to process each permit. In 2022, 310,033 visitors

entered Arches with a timed entry permit, said Kaitlyn Thomas, public affairs specialist, in an email. Recreation.gov charged \$2 per vehicle, resulting in \$620,000 for Booz Allen under the structure DeLappe laid out last year.

Millions Of Transactions And Many Millions Of Dollars

Exactly how much Booz Allen reaps from Recreation.gov is not publicly known, nor is how much it costs to operate Recreation.gov on an annual basis. The lawsuit contends that Recreation.gov handled 9 million transactions in 2021 and generates “tens, if not hundreds, of millions of dollars of revenue every year for Booz Allen, constituting a complete windfall.”

Back in 2011 the government said revenues were in excess of \$130 million a year in recreation fees for the land-management agencies. They likely are much greater today. In 2021 there were [more than 9 million reservations](#) placed through the system, Smith told the *Traveler* last year.

"The average percentage of cancellations from 2013 to 2019 also gradually and expectedly increased from 9 to 13 percent during that same time period," she added last year. "In 2020, when the number of reservations increased dramatically, cancellations also increased, to 16 percent."

There were 5.5 million reservations in 2020. If a \$10 cancellation fee was generated by each of that year's reservation cancellations, it would translate into \$8.8 million.

Those cancellations fees are used to "cover the cost of the initial reservation and are returned the agency," Smith said. "The money returned to the agencies helps cover the cost of the contract-provided Recreation.gov service, as well as agency recreation program expenses."

Along with processing fees, Recreation.gov charges nonrefundable \$6 lottery fees that go to Booz Allen for a wide range of recreational activities, such as climbing Mount Whitney in California, spending the night in the Enchantment Permit Area in the Cascade Mountains in Washington state, and running the Middle Fork of the Salmon River in Idaho.

Last year there were 22,435 lottery applicants for a permit to run the Middle Fork of the Salmon River in Idaho. Only 330 individuals received a permit. Yet, all applicants paid the \$6 lottery fee -- even unsuccessful lottery applicants. Under Booz Allen's arrangement with the federal government, it could pocket all lottery fees, which amounted to \$134,610 just for the Middle Fork lottery

But the lawsuit questions whether the permit lotteries are even legal under individual state laws, contending that “[t]he operation of the lotteries by Booz Allen violates numerous states’ antigambling laws.”

Mike Murray, chair of the [Coalition to Protect America's National Parks](#), is not aware what the National Park Service is doing to better notify the public of the additional fees since the Kotab ruling.

"In general, under NPS recreation fee policies, parks are supposed to 'engage' the public (e.g., issue public notice of the proposed fees and offer a public comment opportunity) whenever they contemplate adding new fees or increasing existing fees," he wrote in an email. "In the context of the Nevada ruling, I would expect that notice to include identification of and an opportunity to comment on not only the entrance fees, expanded amenity fees, and special recreation fees charged by NPS, but also the service or transaction fees charged by Recreation.gov.

"I am not aware to what extent parks have been including Recreation.gov service or transaction fees when they offer a public comment opportunity on proposed new or increased fees," he added. "Parks typically will post proposed fee increases as public comment opportunities in [the Park Planning, Environment and Public Comment website], but we have not been tracking compliance with that on a park-by-park basis. Anecdotally, a recent [fee proposal at Glacier NP](#) to migrate their wilderness

reservation system to recreation.gov did clearly itemize the fee(s) payable to Recreation.gov."

The lawsuit does not delve into operational issues with Recreation.gov that many have complained about. According to testimony given House Natural Resources Committee's Subcommittee on Oversight and Investigations in December, someone trying to reserve a campsite has [a 0.3 percent chance of landing the desired reservation](#).

Recreation.gov allows users to post comments. Jason F. did so to review his stay last fall of Moraine Park Campground in [Rocky Mountain National Park](#). He wrote, "[E]verything about this campsite was amazing. Forever will we remember the elk herding through our campground and sound of the males bugling through the night."

There also are complaints about the fees. Despite having multiple reservations, one user did not visit [Yosemite National Park](#) last summer due to the unhealthy air stemming from the Wawona, Red, and Rogers wildfires. He spent \$45 for multiple permits he did not use. "I understand that no one can control nature, so we cannot get a refund. BUT can we at least re-schedule for a different date?" he asked.

Another user who received a permit to hike to Chilnualna Falls, also in Yosemite, last July posted "Recreation.gov is a scam. They sent me an email telling me that the area I had reserved was closed, but they did not refund my money. I understand the need to close the area, but I shouldn't have to pay for a permit I could not use."

According to the Recreation.gov website, [some fees are refundable](#), such as in the case of an emergency closure of an area.

Meanwhile, Booz Allen is scheduled to respond to the complaint by March 10.

Comments

Submitted by jessica howell-edwards on February 20, 2023 - 3:39pm.

Great news! And great coverage. Thank you!

Submitted by Doug on February 21, 2023 - 3:48pm.

Recreation.com IS both a scam AND a horrible website. It's frustrating to use, full of surprise fees, misinformation and poor descriptions of what you are reserving. I have had so many bad experiences I now avoid using Federal campsites whenever possible.

Submitted by Raygan on February 21, 2023 - 5:27pm.

I was under the assumption that whatever time I did not use for my registration was benefitting the park or campground I was using. After reading this article I am enraged that most of my registration dollars are being used to line the pockets of the Booz Hamilton CEOs or whatever.

One of the places I wanted to camp at in Colorado had closed due to potential flooding and I was unable to get a refund. I just wrote it off as benefitting the campground. I'm super angry now and I hope that a class action lawsuit is brought against this company.

Submitted by [Mike Painter](#) on February 21, 2023 - 8:54pm.

Last summer I made a reservation for a campsite at a Forest Service campground in Utah. Not only

was I charged for the site, but there was a separate, additional "reservation fee" tacked on. I wonder to whom that went ...

Submitted by Carey on February 21, 2023 - 9:08pm.

Recreation.gov started off as a profiteering gimmick and remains so today. I bet dollars to donuts, the guy who could not use his permit due to a fire, not only has to wait nine months for Booze-Allen to hear the complaint, but will deny the refund along with the reason they don't have control over nature either, but still had to process the permit request. When profiting off the User, it's the User who has the weak hand. AND B-A KNOWS IT.