

The Federal Lands Recreation Enhancement Act 2006 Report to Congress

Section 1: Introduction

Congress enacted the Federal Lands Recreation Enhancement Act (REA) in December of 2004. REA provides a nationally consistent interagency fee program, achieves on-the-ground improvements to visitor services and facilities on public lands across the nation, creates a new recreation national pass (The “America the Beautiful – National Parks and Federal Recreational Lands Pass,” hereafter called the new pass) for use across interagency Federal recreation sites and services, and engages the public more directly in the fee program.¹ REA replaces and builds upon the previous Recreation Fee Demonstration Program (Fee Demo, 1996–2005).²

Federal recreation lands hosted over 600 million visitors in FY 2005. Accommodating the expectations of visitors and providing an enjoyable experience while protecting public lands resources becomes more challenging as visitation increases over the long-term. To help meet these challenges, REA authorizes the Department of the Interior’s National Park Service (NPS), United States Fish and Wildlife Service (FWS), Bureau of Land Management (BLM), and Bureau of Reclamation (BOR), and the Department of Agriculture’s Forest Service (FS) to charge visitor fees. Participating sites retain 80 to 100 percent of recreation fees and utilize them to improve the quality of the visitor experiences at those sites.³ However, the vast majority of recreation sites continue to be free under REA (as discussed in Section 3).

REA will sunset ten years after the date of enactment (in 2014); this duration will allow the implementing agencies to:

- Plan better for future projects;
- Ensure future projects have a strong nexus with the visitor experience;
- Plan and manage effectively a more sustainable program;
- Improve facilities and services to visitors;
- Invest in technology; and
- Consider fee management agreements with counties and other entities in order to provide additional services efficiently to visitors.

Section 9 of REA calls for the Secretaries of the Department of the Interior and the Department of Agriculture to submit the first triennial report on REA to Congress by

¹ REA was passed as part of the 2005 Consolidated Appropriations Bill (P.L. 108-447). President Bush signed REA into law on December 8, 2004.

² In 1996, Congress authorized the Fee Demo program to address the need for new projects and the growing backlog of maintenance on Federal lands. After several subsequent extensions, Congress most recently had extended the Fee Demo program through December 31, 2005.

³ For the purpose of this report, Departments refers to both the Department of the Interior (DOI) and the Department of Agriculture (USDA). Additionally, agencies refers to the FS within USDA, and the NPS, FWS, BLM, and BOR within DOI.

May 1, 2006. To respond to Congress's directive, an interdepartmental team jointly developed this report to:

- Highlight the status of REA program implementation for Federal recreational lands and waters (including budgetary data);
- Provide examples of projects funded using such fees;
- Provide examples of future projects and programs using such fees; and
- Evaluate REA program

Highlights of REA and Changes from the Fee Demo Program

The Fee Demo program provided participating agencies broad authority to charge fees. By contrast, REA addresses public concerns about the former program by limiting fees to sites that have a certain level of development and meet specific criteria.

REA also emphasizes the need for a strong linkage between the visitor and the expenditure of fee revenue. Additionally, in a significant shift, REA contains provisions to increase substantially community and public participation. For example, REA requires the BLM and FS to use Recreational Resource Advisory Committees (RRACs) to engage the public, and also mandates each agency to develop specific protocols to provide the public with information about fees and fee revenue usage. However, while REA makes some significant changes to the Fee Demo program, including the increase in public involvement, the changes will be virtually seamless for the majority of the visiting public.

The Fee Demo program ended during the first quarter of fiscal year 2005, and the REA program began in the second quarter. However, the agencies continued to report their budgetary data for the fiscal year regardless of this mid-year change. The following table (Table 1) highlights the changes from the original Fee Demo program (1996–2004) to the REA program (established December, 2004):

Table 1: Highlights of REA and Changes from the Fee Demo Program		
Provision	Fee Demo Program	REA
Agencies Included	NPS, FWS, BLM, and FS were included. BOR was not included in the Fee Demo program.	The Act authorizes the collection of fees for the NPS, FWS, BLM, BOR, and FS.
Sunset	Operated on extensions from Congress.	This Act will sunset 10 years from the date of enactment (December 8, 2004).
Retaining Fee Revenue	Sites are authorized to retain 80 to 100 percent of the recreation fees and site specific agency pass revenues collected at their sites.	Each Department has authority to reduce that to 60 percent for the FY if it determines revenue collected exceeds reasonable needs at a particular unit.
Administrative Costs	There were no provisions concerning indirect costs in Fee Demo, but agencies established GPRA goals and policies to ensure expenditure efficiencies.	An average of 15 percent of total revenue may be used for “administration, overhead and indirect costs related to the recreation fee program.”
Expenditures	The following general categories of expenditures were included: visitor services, resource protection, facilities deferred maintenance, costs of collection, and other.	The Act retained similar categories, though the language is more focused and limiting. Additionally, the Act prohibits agencies from spending recreation fee revenue on biological monitoring related to threatened and endangered species and on employee bonuses. REA identified an important link between fee expenditures and the visitor. Expenditures for natural resources are limited to habitat restoration for specific recreation activities.
New Passes	Fee Demo provided broad authority for agencies to experiment with different types of passes, including the establishment of regional or multi-entity passes.	The Act creates new passes to replace the existing National Parks Pass and the Golden Eagle, Age, and Access passes. The new passes will cover entrance to all Federal recreation lands. The Act also authorizes the establishment of regional and multi-entity passes.

Table 1: Highlights of REA and Changes from the Fee Demo Program

Provision	Fee Demo Program	REA
Public Participation	No specific requirements public participation.	REA requires integrating public involvement in decisions to establish new fee sites, maintain existing ones, or to change fees. Agencies are also required to inform the public on the use of fee revenue. Additionally, the Act calls for the establishment of Recreation Resource Advisory Committees (RRACs) to make recommendations to the Secretaries on fees for BLM and FS.
New Terminology	The terms <i>user fee</i> and <i>entrance fee</i> applied to FWS, NPS, BLM, and FS under Fee Demo.	<i>Entrance fee</i> is now a term only used for NPS and FWS; <i>Standard amenity recreation fee</i> is a new more amenity-based category for what used to be BLM and FS entrance fees, and some of their user fees. This term now covers recreational lands administered by BOR, FS and BLM. <i>User fee</i> becomes <i>expanded amenity recreation fee</i> for the remainder of REA sites for all agencies.
Guidelines	No specific requirements for interagency coordination on implementation of the program.	The Act requires the Secretaries to issue guidelines on a variety of REA issues, including implementation of the new pass program, public involvement, and a plan to provide information to the public about the use of recreation fee revenues.
Reporting	The agencies were required to report on the status of the program <u>annually</u> under Fee Demo.	The agencies are required to report to Congress on the status of the program on a <u>three-year cycle</u> , beginning on May 1, 2006.