

MONTANA STATE PARKS FOUNDATION

Mr. Chairman and distinguished members of the Subcommittee:

Thank you for the privilege of testifying before you today regarding the Recreational Fee Demo Program. I am here to support Senator Craig's bill. I am Bob Raney, from Livingston, Montana. I spent 16 years as a State Representative in the Montana Legislature, and am now volunteer director of the Montana State Parks Foundation, a small, non-partisan group of dedicated citizens who have spent the last 15 years analyzing, developing, and proposing legislative policies and budgets for Montana's state recreational lands.

It is fair to say that much of what we have done has been contrary to the wishes of the Montana Department of Fish, Wildlife and Parks, but has been very well accepted by Montana residents and the legislature.

Today, I shall discuss constructive examples of policy alternatives, without the use of access fees, for running and funding government agencies that deal with public lands that has worked in Montana and will work for America. This discussion does not concern fees for use of developed facilities such as campgrounds, museums and visitor centers.

In Montana, our main goals have been to:

- maintain and restore the public's recreational resources
- provide free public access so all citizens can enjoy those resources
- restrain government competition with taxpaying, private business
- keep development, fee, and budget decisions firmly in the hands of elected policymakers and the public they represent

A background - Between 1990 and 2003, very little land was added to Montana's recreational system. Yet, the budget and the number of agency employees rose dramatically.

During that time, new visitor centers, shower houses, amphitheaters, and lots of educational and interpretive programs, roads and other developments were added. Simultaneously, the Parks Division increased employment and expanded fees – purportedly to improve maintenance.

Yet, maintenance continued to deteriorate. Many toilets across the state were filthy – stream banks eroded away, boat ramps did not reach the water, noxious weed infestations on public lands grew and insects were eating museum artifacts such as Chief Plenty Coups war bonnet. Of course, all the development resulted in increased vandalism and additional O&M costs. Many recreational areas are now closed for much of the year because the agency cannot protect its developments from vandalism in off seasons.

Throughout this time, the Parks Division, falling back on "The Washington Monument Syndrome," demanded more money and threatened to close parks, curtail maintenance, and sell off some units unless they got it.

This is how the access fee program went in Montana – from free to fee to free!

In 1989, the Montana Legislature, in a budget crunch, first authorized the Montana Department of Fish, Wildlife and Parks to collect access fees to public lands under its control. The department immediately implemented \$2 access fees to many areas.

By 1993, the legislature first began to catch on to what we call "the spiral of government growth" being practiced by the Parks Division and responded.

The Primitive Parks Act, (See attachment 1) signed into law in 1993 by Governor Marc Racicot, required that the state's least developed parks – about one-third of the total – be left that way. The legislation banned development beyond the functions necessary to accommodate the basic public needs such as maintenance of toilets, picnic tables, fire rings, trails and weed control.

Budget analysis showed that the citizens already provided plenty of money for basic maintenance of the entire recreational lands system – therefore, access at these parks was declared free.

In the meantime, the agency continued to spend millions on development of other lands using federal dollars - since federal guidelines make it difficult to use federal dollars for maintenance of existing facilities, they encourage constant development and increased costs – something we simply cannot afford. (Congress should change this.) Increased development yields increased maintenance, increased employment and other added costs. And increases the demand for fees – not just fees for services provided by the development, but fees to merely walk upon the land.

In 1997, the legislature responded with language in appropriation bills to require the department to **discontinue most development until maintenance was caught up**. However, the agency used federal guidelines and other fund manipulations to get around the budget language. Maintenance continued to lag, development persisted, and fees went up again and again. The legislature tried to respond once more.

In 1999, the legislature and Governor Racicot responded by passing **The Good Neighbor Act to prioritizing maintenance over development** and to prevent department abuse of the maintenance policy. (See attachment 2) Yet, because of language attached to federal funds, the department continues to develop whether Montana can afford it or not.

And, fees increased again in 2002.

In 2003, the legislature decided enough chicanery was enough and **abolished fees to access recreational lands and waters** for Montana residents and established a voluntary park contribution on vehicle registration.

Do state and Federal agencies need the money? Jigging facts to support higher fees. A Montana example:

At Lewis and Clark Caverns State Park, Montana's flagship park, the agency proposed spending \$880,000 to build a new "visitor contact center" at the park entrance rather than \$90,000 to upgrade an existing structure. In its Environmental Assessment, the agency claimed it had decided to build this new development based on "public comments."

The Montana State Parks Foundation obtained a copy of the "Visitor Survey Report" and the original citizens comments on which this decision was based, to see what comments the public made.

Contrary to the agency's contention that the public demanded a new visitor center, 57 percent of those surveyed were "satisfied with current facility," 40 percent were "neutral or no position" and only 3 percent were "dissatisfied."

The entire "plan" was based on fictional "needs" of the public and is by no means an isolated incident. We exposed many other efforts that misled policymakers and the public into believing there was either great public pressure or "need" for expensive developments and, of course, additional staff. To think even for a moment that this isn't occurring in federal bureaucracies would be a grave error in judgment.

Westerners do not tolerate fees to merely access public lands.

The whole concept of charging access fees to public lands is appalling to most people in the West, and, as you are aware, there has been a huge backlash from the public, the worst of which is that people simply quit going to public lands. We experienced the same public response in Montana. Citizens were angered by the state government's policy of marketing public land access to the very people who own the lands. Government was stealing our heritage and selling it back to us.

It is common knowledge that the people most affected by access fees are those who live closest to the lands, federal or state. In Montana, where the income level is rock bottom, people quit going and that is what will happen with permanent federal fees. It is no longer our land when we must pay the government just to access it!

Don't cede Congressional power or oversight to bureaucracies.

The basic concept of Fee Demo, is a fatally flawed policy. It gives government agencies the power to tax and spend, which will ensure continued widespread and costly abuses by agencies. It is taxation without representation that becomes worse when combined with concessionaires. The people lose a great freedom – free access to their own land.

A Solution.

There is a solution to the fiscal problem that has created the demand for access fees.

- No development may take place without it first going through a significant public review process. (See Montana statutes for the guide)
- The development must be approved in the legislative appropriation process, which helps eliminate uncontrolled bureaucratic growth.
- Elected policymakers prioritize spending between maintenance and development eliminating need or use of access fees.

The Senate should say NO to access fees.

You have heard over and over how inefficient access fee collection is as a form of tax collection policy.

Futures Report of 2002: In 7 parks, increased annual revenue collections are to be \$114,000. Capital costs are \$21,000. Requires 4.09 new FTE at a cost of \$94,000/ year.

We tax the citizens \$114,000 and get \$20,000 in profit (after capital costs are paid) from this new tax to spend on whatever the agency chooses. This is a terrible return on citizens' money and is simply a government employment program based on increased taxation of citizens. There is no reason to doubt that collection, administrative and enforcement of Federal access fees will also consume the lion's share of the revenue generated.

This Committee has repeatedly heard about fostering the economic value of our parks and increasing the "value-added experience" of visitors. This as bureaucratic language for development-based policy supported by fee-based management that in effect confiscates our lands. We believe our public lands are for public enjoyment and use and free access is guaranteed by our ownership.

The Montana State Parks Foundation is strongly opposed to fees to merely access and walk upon our own public recreational land and to access our public waters. Free access to public land and water is an American freedom as old as this country.

I thank you for the opportunity to comment and look forward to answering any questions you might have.

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