

# WESTERN SLOPE NO-FEE COALITION

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November 20, 2004

FOR IMMEDIATE RELEASE

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## OHIO CONGRESSMAN RAMS PUBLIC LAND ACCESS FEES THROUGH CONGRESS

### Western Senators Try But Fail to Stop Controversial Measure

An Ohio congressman with no public lands in his district has forced a measure through Congress to implement permanent access fees for recreation on all land managed by the Forest Service, Bureau of Land Management, U.S. Fish & Wildlife Service, and Bureau of Reclamation.

Ralph Regula (R-OH), the original architect of the unpopular Recreational Fee Demonstration Program (Fee Demo), succeeded in attaching his bill as a rider to the giant Omnibus Appropriations Bill recently enacted in the lame duck session of Congress. The bill was never passed by the House and was never introduced, given a hearing, or voted upon in the Senate. Omnibus bills are considered “must pass” legislation because of the potential for a government shutdown. Some members of Congress use riders attached to them as a way of getting funding for pet projects often referred to as “pork.”

Regula’s bill, HR 3283, allows the federal land management agencies to charge access fees for recreational use of public lands by the general public. The bill has been highly controversial and is opposed by hundreds of organizations, state legislatures, county governments and rural Americans.

HR 3283 passed the House Committee on Resources in September under strong pressure from Regula, who is expected to become the next Chairman of the powerful House Appropriations Committee. His bill is a radical change in the way public lands are funded and stands in contrast to a more moderate competing bill passed by the Senate. There, Senator Thomas (R-WY) sponsored S.1107 that would let the National Park Service retain their entrance fees for local use but would allow access fees to expire in the other agencies. Thomas’s bill passed the Senate in May by unanimous consent but never had a hearing in the House.

Early in last week’s lame duck session, Regula’s attempts to attach his rider were strongly rejected by the Chairmen of all four pertinent Senate committees. Senator Thomas of the National Parks Subcommittee, Senator Domenici (R-NM) at Energy and Natural Resources, Senator Craig (R-ID) of the Public Lands Subcommittee, and Senator

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Burns (R-MT), Chair of the Interior Appropriations Committee, all westerners, succeeded in forcing Regula to remove his rider on Tuesday.

By Thursday, however, Regula had reneged on the agreement. He went over the heads of the Senate's public lands chairmen and struck a deal with Senator Ted Stevens (R-AK), Chair of the Senate Appropriations Committee. Regula reportedly agreed to give Stevens funding for a road in a remote community in Alaska in exchange for allowing Regula's bill to be reattached.

That left the four Senators who had negotiated the original deal hopping mad and disappointed millions of fee opponents who expected that such a seismic shift in policy would receive public hearings, not be done behind closed doors.

"This was a victory of pork over principle," said Robert Funkhouser, President of the Western Slope No-Fee Coalition, which has worked to oppose the Fee Demo program. "Ralph Regula is responsible for the first tax increase of the Bush administration. He and Senator Stevens have sold out America's heritage of public lands for the price of a road."

The Regula bill will go into effect immediately unless the new congress acts to derail it. It authorizes fees for recreational use of all National Forests and BLM land as well as all land managed by the U.S. Fish and Wildlife Service, the Bureau of Reclamation, and the National Park Service. Failure to pay the fees will be a Class A or B Misdemeanor. First offenders can be fined up to \$100 and will acquire a criminal record. Subsequent offenses are punishable by up to \$100,000 and/or one year in jail. Drivers, owners, and passengers of vehicles not displaying either a daily or annual pass will be presumed guilty of failure to pay and can all be charged, without obligation by the government to prove their guilt. The measure encourages agencies to contract with private companies and other non-governmental entities to manage public lands and to enforce fee collection. The bill also establishes a national, interagency annual pass called the America the Beautiful Pass, expected to cost \$85-\$100 initially.

Regula's bill replaces the Recreational Fee Demonstration Program (Fee Demo), begun in 1996 as a two-year demonstration and extended every year since then. Fee Demo has been highly controversial and is opposed by hundreds of organizations, state legislatures, and county governments and by millions of rural Americans. Opponents point out that its original passage and subsequent extensions have all been done as appropriations riders without open debate or public hearings.

"Congressman Regula is well aware that his measure would be unlikely to pass on its own merits," said Funkhouser. "To tack it on as an appropriations rider is a despicable abuse of his legislative power. His heavy-handed tactics show that he is hostile to rural and western values."

Regula's bill failed to attract a single western sponsor but was co-sponsored by seven eastern congressmen.