

WESTERN SLOPE NO-FEE COALITION

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WESTERN OUTCRY FAILS TO STOP OHIO CONGRESSMAN'S RECREATIONAL ACCESS TAX

Despite a last-minute outpouring of letters and phone calls and a flood of negative editorials, 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), attached his bill as a rider to the giant omnibus appropriations bill. Originally passed on November 20, the omnibus unexpectedly had to be revisited by Congress because of language objectionable to privacy-rights groups that would have allowed certain members of Congress to scrutinize individual tax returns. The omnibus bill passed Monday evening, December 6th.

Opponents of Regula's bill seized the opportunity to mobilize a massive phone call and letter-writing campaign in a last-ditch attempt to delete it before the final vote. Despite thousands of letters and phone calls and press coverage coast to coast, the effort failed. Fee opponents have vowed to take their fight to the next Congress.

The fee bill, HR 3283 or the "Recreational Access Tax (RAT)", allows the federal land management agencies to charge access fees for recreational use of public lands by the general public. It has been highly controversial and is opposed by hundreds of organizations, state legislatures, county governments and rural Americans.

"This is a bad bill and it is a bad tax. It will not be accepted by the American people," said Robert Funkhouser, President of the Western Slope No-Fee Coalition, one of the groups coordinating opposition to public lands fees. "It was forced through without passing the House or any hearings or debate much less a vote in the Senate. Such a major change in policy should be done in an open public process not behind closed doors. Congressman Regula has sold out America's precious heritage of public lands."

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Key provisions of the RAT include permanent recreation fee authority for 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 criminal offense. Drivers, owners, and occupants 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. The bill also establishes a national, interagency annual pass called the America the Beautiful Pass, expected to cost \$85-\$100 initially.

“Congressman Regula has claimed that fees will be limited to only highly developed facilities,” said Funkhouser. “But the actual language is very broad and contains internal contradictions. The RAT prohibits entrance fees for Forest Service and BLM managed lands on one hand and authorizes basic or standard fees for the very same lands on the other. It gives the agencies a free hand to decide how large an area a fee can apply to, and it calls for essentially only a toilet in order to qualify. Make no mistake, this bill transfers ownership of our public lands from the taxpaying public to the agencies. These agencies have a long history of financial bungling and mismanagement, and should have more congressional oversight, not less.”

Fee opponents plan to work closely with the incoming 109th Congress to repeal the Regula bill, and anticipate strong bipartisan support in both houses. In the meantime the Western Slope No-Fee Coalition will be monitoring agency implementation of the RAT to ensure that the agencies do not implement fees outside this new law. Regula’s bill failed to attract a single western sponsor but was co-sponsored by seven eastern congressmen.

Regula is seeking to become Chairman of the powerful House Appropriations Committee and is running into stiff opposition from Congressmen Jerry Lewis (R-CA) and Hal Rogers (R-KY). While Regula has no public land in his district, both Lewis and Rogers districts have vast tracks of Forest Service and/or BLM managed public lands.

[NOTE: In January 2005, despite having the most seniority of any candidate, Regula was passed over for Chairman of the House Appropriations Committee in favor of Jerry Lewis.]