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BOCC wants user fee bill repealed

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MONTROSE - It may have squeaked through Senate Appropriations as an omnibus item, but Montrose County's official stance on the Federal Lands Recreation Enhancement Act couldn't be more plain: it's bad legislation, done on the sly.

In a resolution inked Monday, the Montrose County Board of County Commissioners called on Congress to repeal the controversial legislation that authorized the collection of user fees - under certain conditions - on all public lands managed by the National Parks Service, Bureau of Reclamation, Forest Service, Bureau of Land Management and Fish and Wildlife.

Previously, the fees were collected as part of a "demonstration" program that was renewed on a yearly basis. The new legislation, passed last December as a rider on the \$388-billion appropriations omnibus, makes the fees permanent for at least 10 years and makes criminal penalties possible for those who do not pay.

That didn't sit well with the commissioners, who in their resolution said the act "fundamentally changes the way America's public lands are funded and managed. ŠThe (act) was never approved by the U.S. House and was never introduced, never had hearings and was never approved by the U.S. Senate, but was instead attached to omnibus spending bill HR 4818 as an appropriations rider."

"It leaves too many questions unanswered and the potential for economy from one office to another is a little unsettling," Commissioner Allan Belt said. "I really do not like this act the way it is written."

Last September Montrose County had passed a resolution opposing what was then House Resolution 3283, sponsored by Ralph Regula, R-Ohio. The last-minute insertion of HR 3283 into the appropriations bill - and the failure of last-ditch efforts to have it removed - rendered such opposition moot.

Still, the commission, along with six other Colorado counties and one town that have issued similar calls for repeal, hopes to bend the listening ears of Gov. Bill Owens, President George W. Bush, Speaker of the House Dennis Hastert, Senate leadership and members of the Colorado Congressional delegation, all of whom are due to receive copies of the resolution.

"It was just rammed through on an omnibus that had nothing to do with land use," Commissioner Bill Patterson said Monday afternoon. "I really don't think that's good government to do it that way."

Local officials are not alone in opposing the act on those grounds. "It was just tied on as a rider. It was in fact the opposite direction of what (legislators) were hearing from public opinion," Kitty Benzar told the Daily Press Monday. Benzar, a Durango resident, is a founding member of the Western Slope No-Fee Coalition, an activism group that has opposed most fees on public lands since the fee program's 1996 inception.

The coalition considers the fees under the Recreation Enhancement Act basically as double-taxation, because public lands are already maintained by public money.

"It's essentially a double-tax on rural Americans who are surrounded by federal lands," Mike Nadiak, a coalition member from Montrose said Tuesday. "The federal government keeps cutting the funds for our federal lands, shifting that to other parts of the budget and we in the West are left holding the bag."

Nadiak said he respected the efforts of local land management agencies. "This is not an attack on land management agencies. This is about good government and coming up with laws that are fair and make sense," he said. "This law should be repealed and debated on its merits."

The no-fee organization also found the content of the act troubling.

"It says they can't charge a general entry fee, but in another place, it says you can," Benzar said. "It makes failure to pay a criminal offense. It holds the driver, owner and all occupants of a car equally guilty and assumes they are guilty. They have to prove their innocence. Instead of being operated for public good, they (lands) are going to be operated for profit."

Recreation Enhancement Act supporters said it will provide badly needed funding for maintenance and visitors' services.

Barb Sharrow, director of the Montrose BLM office, said that though there are 977,878 acres of federal lands within the confines of Montrose County itself, the only fee charging area is at the Gunnison Gorge and the money collected benefits users.

"The fees we have collected, we are extremely diligent in getting right back on the ground," Sharrow said Tuesday.

Fees collected to date have been used to install a composting toilet, ongoing trail enhancements, tamarisk eradication along the river and to pay extra rangers during peak visitor months.

Without the fee funding, none of this would be possible, she said.

The BLM's job is to implement laws passed by Congress, not comment on their merit, Sharrow added. "As in the past, if we feel we need to propose new fees, we will work extremely close with our resource advisory council, the communities and individual user groups to come up with something that will work locally," she said.

"I feel extremely strongly we have to charge fees in conjunction with community (input). This isn't something we just arbitrarily enforce."

Benzar said the no-fee coalition was urging governments in several Western states to demand the act's repeal.

Officials are contacted via e-mail, or, where possible, by coalition supporters such as Nadiak.

The effort is more than a sound and a fury, Benzar said. As of Monday, La Plata, Ouray, Hinsdale, San Miguel and San Juan counties were officially seeking the act's repeal, along with Montrose County and the town of Silverton.

More important, Benzar said, Washington listens. "They do pay attention when elected bodies take a position on something. The more (support) we get, the better it looks."

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