

April 24, 2005
Billings (MT) Gazette

States tell Congress to repeal federal recreation fee

Associated Press

HELENA - Rich Vaughn says paying the U.S. Forest Service a daily fee so he can take his boat onto the Salmon River in Idaho, where he used to play for free, hurts his sense of fairness more than it hurts his wallet.

"It's public land that's held in trust for the American people, and to charge a fee to access that land is wrong," Vaughn said.

The Montana and Colorado legislatures agree, and the Oregon Legislature may soon join them. Montana and Colorado recently passed resolutions demanding Congress repeal the fees required for recreational use of certain federal lands. Oregon legislators have been advancing a similar measure worded a bit more gently - Congress is "respectfully urged" to undo the fees - but have not cast a final vote.

Some critics call them "pay-to-play" fees or "recreation access taxes" - RATs - and fear their use will grow, making violators into trespassers and encouraging Congress to reduce the money it gives federal land agencies. In fiscal 2005 the Forest Service was appropriated \$257 million for recreation programs and collected another \$47 million in recreation fees.

"We'd like to see other states join us," said Paul Clark, the Montana Democrat whose resolution contends the very way of life here requires free access to public lands. The Western Slope No-Fee Coalition based in Colorado is "talking to several states" about taking a formal stand, said co-founder Kitty Benzar, who likens the fees to "having to buy a pass to go into your house."

The resolutions have no force of law. But they at least tell Congress an issue is of more than just passing interest to the people back home, said Jeremy Meadows of the National Conference of State Legislatures. Persuasiveness is another matter, Meadows said.

Colorado's resolution says the recreation fees amount to double taxation, because Americans already pay taxes to support public lands. The fees "bear no relationship to the actual costs of recreation such as hiking, picnicking, observing wildlife or scenic driving," the resolution says, and they contradict "the idea that public lands ... are places where everyone is granted access and is welcome."

The debate escalated last year when temporary fees that began in 1996 and renewed biennially were extended for 10 years. At the last minute, Rep. Ralph Regula, R-Ohio, whose district has no federal lands, attached the extension to a giant spending bill, which

Congress then approved. In Montana, Colorado and Oregon, the mechanics of what happened are part of the rub.

The fee "was never approved by the U.S. House of Representatives and was never introduced, never had hearings and was never approved by the U.S. Senate but was instead attached to an omnibus spending bill as an appropriations rider," Montana's resolution says in a clause echoed in the Colorado and Oregon measures.

Recreation Fee Program

Reaction to the congressional action was swift in the West, where the government is a major property owner. Most federal land remains open to the public at no charge, and of the places with fees, some have major facilities, such as a museum or visitor center. There are fee sites with groomed Nordic ski trails, boat ramps, vault toilets and interpretive displays.

Supporters of fees say they help pay for amenities and maintenance that federal agencies cannot cover with their regular budgets. Opponents predict the price of admission will close some people out of their preferred recreation areas.

Adds Clark, "We can get really well developed campgrounds ... and they may end up being more than we need and more than we want."

Vaughn, of Boise, Idaho, pays the Forest Service \$4 for each person, each day, aboard his boat when he puts it on the Salmon River and enters the Frank Church-River of No Return Wilderness, where the "pack it in, pack it out" rule applies even to human waste.

"There's no road access, no public lavatories, no improved campsites," Vaughn said. The money, collected through the honor system, has been spent on sites where boats are launched and taken out and on some interpretive programs at the launches, the Forest Service said.

In southwestern Montana's Bitterroot Valley, Steve Powell is neither pleased nor bothered about paying to use the Lake Como area, where he goes canoeing.

"I'm not excited about the fees, but they apparently channel the money pretty directly to the area," Powell said.

"It helps support a full-time presence up there in the campground, a Forest Service presence that discourages criminal behavior. I'm willing to pay for that."

The standard penalty for not paying is a \$100 fine, said Paula Nelson, spokeswoman at the Forest Service's regional office in Missoula. But the penalty is not rigid; it can go much higher. And in forests of Southern California the agency gives violators five days in which to buy an "Adventure Pass," costing \$5 a day or \$30 a year, rather than imposing fines.

Montana's resolution drew a mix of supporters to the state Capitol, their diversity unanticipated even by Clark. People as dissimilar as backpackers and dirt bikers showed up.

In Oregon, the co-sponsor of that state's resolution said the legislator with whom he paired is his diametric opposite, a Democrat who used to be a state leader of the Sierra Club.

"The unifying factor was the displeasure with (land) management," said the co-sponsor, Republican farmer Gary George. "We have forests in terrible condition, terrible forest health. Then they charge us to go in and look at our dead trees. Folks are not too happy about it."

The American Recreation Coalition, which includes businesses that sell recreational equipment and trips, is among fee supporters. Also on the side of fees is the Property and Environment Research Center, a Bozeman institute that says it researches "free-market environmentalism."

Fees establish a link between land managers and users, increasing the likelihood that managers will respond to what users want in services and facilities, said Holly Fretwell, a researcher at the institute.

There are things that should be covered by everyone's tax money and others for which user fees are appropriate, Fretwell said. "There's no reason someone in Ohio should be paying for my ability to go camping in the Gallatin National Forest," she said.

Robert Funkhouser, president of the Western Slope No-Fee Coalition, wants Sen. Larry Craig, R-Idaho, to hold hearings. Craig heads a Senate subcommittee on public lands.

"I believe the future ownership of public lands sits squarely at his feet," Funkhouser said.

Craig said he plans an oversight hearing later this year. But gathering enough votes to repeal the fees at this time is unlikely, he said.

During lean budget years, fees may be the money that keeps a campground open, Craig said. He supports the fees "if there is a direct return to the user. However, I opposed reauthorizing the program because of some agencies abusing the authority to charge a fee without providing the user something in exchange."

As for the resolutions, Craig aide Dan Whiting said it is "important to have those voices heard. We put a great deal of value on the opinion of the states."

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