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FOREST SERVICE'S DROPPED FEE SITE LIST IS BOGUS
THOUSANDS OF ILLEGAL FOREST SERVICE AND BLM FEE SITES REMAIN

In a widely reported story carried by the Associated Press, the U.S. Forest Service recently announced that it is dropping day use fees at hundreds of former Fee Demo sites nationwide because they do not comply with the minimum requirements of the new Federal Lands Recreation Enhancement Act (FLREA), also known as the Recreation Access Tax, or RAT, by its opponents. But a Forest Service list of the supposedly dropped sites obtained by the Western Slope No-Fee Coalition reveals that over half of them either were never Fee Demo sites, had already dropped fees long ago, are being rolled into larger fee areas, are closed, or are still charging fees. Actual agency notes were used in this analysis and field review by the WSNFC will be ongoing. The Coalition compared the list of 480 fee sites the Forest Service claims are being dropped to a master list of over 4,500 Fee Demo sites was given to Congress earlier this year. The master list was provided by the Forest Service in response to a request by congressional staffers for a list of all Fee Demo sites as of the date of passage of the FLREA so that the relevant oversight committees can gauge the impact of the new law.

There are 203 sites (43%) on the dropped-site list that do not appear on the master list at all, indicating that the Forest Service is claiming credit for dropping many sites that never existed or had never been reported. In addition, the list of dropped sites includes 20 sites that had been charging fees under a legal authority other than Fee Demo, 28 sites that are closed to public use, 16 sites where managers plan to add amenities and begin or resume charging a fee, 24 sites that had already been dropped from the Fee Demo program prior to passage of the FLREA, and 21 sites that lie within High Impact Recreation Areas or National Volcanic Monuments and will continue to require a fee to enter the larger area. In all, some 245 sites, or 51% of the 480 claimed, cannot be confirmed as former Fee Demo sites where fees are being dropped because of the FLREA, as claimed by the agency.

"This analysis supports our contention that the Forest Service has no intention of complying with either the spirit or the letter of the law," said Robert Funkhouser, President of the Western Slope No-Fee Coalition.

"They are pretending to drop fee sites in order to mollify their critics, while retaining hundreds of the most controversial fees in defiance of the supposed restrictions of the FLREA. This kind of misrepresentation raises some serious ethical questions that can only be dealt with by Congress. The much bigger problem is the unwillingness of the Forest Service and BLM to address the thousands of noncompliant fee site where they are still charging the taxpaying public in violation of the law." Of the over 4,500 fee sites nationwide the Forest service has yet to address illegal sites such as the charging of fees for staging areas, backcountry access, trailheads, roads (many of which are state highways or county roads) and large tracts of undeveloped public land. Examples include:

- In Forest Service Region 2, which includes Colorado, Wyoming and Nebraska, only two sites have been rolled back.
- In Arizona, the agency continues to charge for tens of thousands of acres and hundreds of trailheads and access points. Only a few sites have been dropped.
- In Oregon, the agency still charges fees at most trailheads in violation of the FLREA, as is the case in New Hampshire, and is implementing additional sites and areas.
- Hundreds of thousands of acres of public land are still under fees in California despite provisions in the FLREA restricting entrance fees and fees for backcountry use.

The FLREA (or RAT) limits day-use fees to only developed sites that have improved parking areas, permanent toilets, picnic tables, permanent trash containers, interpretive displays, and security services. Entrance fees for National Forests and BLM lands are prohibited, as are fees just for driving through an area or for access to dispersed backcountry areas. The restrictions were intended to address some of the objections to the unlimited fees that were allowed under Fee Demo, which was due to expire at the end of 2005 and was increasingly unpopular nationwide.

The RAT was buried in the omnibus spending bill for 2005. It was never passed by the U.S. House and was never introduced, had hearings, or voted on in the U. S. Senate. The state legislatures of Colorado, Montana, and Oregon, and the Alaska House, along with nine county and municipal governments, have already passed resolutions calling for repeal of the RAT.

Concludes Funkhouser, "This law was attached to a must-pass spending bill in the middle of the night, then rewritten by the Forest Service to their liking in the form of agency guidelines, and then ignored when implementing the law on the ground. This is not taxation through representation. America was formed on such issues."

The Coalition has launched a survey of fee sites to highlight abuses and identify illegal fees to Congress. Fee opponents are using Coalition-provided questionnaires to survey fee sites nationally and document which ones comply with the new law and which ones do not. Survey information and questionnaires can be obtained from feesitesurvey@hotmail.com or by calling 970/259-4616.

The Forest Service list of supposedly dropped sites with analysis by the Western Slope No-Fee Coalition is attached. If attachment is missing or for the WSNFC analysis of the FS FLREA guidelines please contact wsnfc@hotmail.com.