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SENATE COMMITTEE SCHEDULES HEARING TO REVIEW FOREST SERVICE
AND BLM ACCESS FEES
Oversight Hearing To Study Implementation Of New Fee Law

The Subcommittee on Public Lands and Forests of the Senate's Energy and Natural Resources Committee, Chaired by Idaho Senator Larry Craig, has announced that it will hold an oversight hearing October 26 to review how the Forest Service and Bureau of Land Management are implementing public lands fees under a new law.

The Federal Lands Recreation Enhancement Act was enacted in December 2004, as an appropriations rider. It replaced the widely unpopular Fee Demo, under which "demonstration" access fees proliferated across the country between 1996 and 2004. The FLREA, widely known by its opponents as the Recreation Access Tax, or RAT, gives the Forest Service and BLM permanent authority to charge fees for access to day-use sites that provide certain minimum amenities.

A nationwide survey of actual implementation of the new law conducted by the WSNFC has identified a pattern of widespread non-compliance by both the BLM and the Forest Service. The excesses fall into three broad categories:

In a number of locations the agencies have grouped many individual sites together into a something called a High Impact Recreation Area or HIRA. The law prohibits charging an entrance fee for an entire National Forest or BLM unit, but entrance fees are being charged for HIRAs, which comprise vast tracts of largely undeveloped land. In Southern California alone, almost 400,000 acres has been locked up in 31 HIRAs on four National Forests. HIRAs have also been declared in Arizona, Colorado, and Utah.

The second concern is the large number of fee trailheads that control access to hiking, OHV, mountain bike and horse trails. The law prohibits charging for parking or for access to undeveloped backcountry, but in many locations the agencies are requiring vehicles parked at trailheads to purchase and display a parking pass. Many of these sites have few or no facilities, and the WSNFC maintains that even those where amenities exist are essentially charging for access to backcountry, which is prohibited by the RAT.

Finally, the survey has identified numerous areas where the law's provision for charging a fee for Special Recreation Permits is being used to circumvent prohibitions on charging for undeveloped camping and use of dispersed backcountry. SRPs are being imposed on all use in numerous Wilderness Areas nationwide, which are undeveloped by definition.

A summary report of the findings of the WSNFC survey report will be released in time for the Senate hearing. "We are very pleased that the Senate Subcommittee on Public Lands and Forests has decided to take a look at how this law is being implemented on the ground," said Robert Funkhouser, President of the WSNFC. "As the Forest Service and BLM continue to limit recreational opportunities on our public lands, it is imperative that the public retains their ownership and right to use these lands. The use of Forest Service and BLM managed lands is a right, not a privilege."

The FLREA (or RAT) is supposed to limit 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. The restrictions were intended to address some of the objections to the unlimited fees that were allowed under Fee Demo.

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.

The hearing will take place on October 26, 2005 at 2:00 in room 366 of the Dirksen Senate Office Building.