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REPORT CHARGES FOREST SERVICE AND BLM ARE NOT IN COMPLIANCE WITH NEW FEE LAW

Senate Committee Scrutinizes Agency Implementation

The Western Slope No-Fee Coalition today released a 37-page report detailing nationwide non-compliance by the Forest Service and Bureau of Land Management with a new fee law. The law, entitled the Federal Lands Recreation Enhancement Act (FLREA), replaced the widely unpopular Fee Demo program. The FLREA contains more limitations on where fees can be charged on public lands than Fee Demo did. It specifies that no entrance fee can be charged for Forest Service or BLM land, and that no fees can be levied merely for parking, for passing through public lands without using any facilities, or for access to dispersed backcountry areas.

After surveying approximately 10% of over 4,500 fee sites, the WSNFC has already identified more than 300 that are not in compliance with the restrictions in the FLREA. The report was released concurrently with an oversight hearing by the Subcommittee on Public Lands and Forests of the Senate Energy and Natural Resources Committee, chaired by Idaho Senator Larry Craig. Kitty Benzar of Durango, Colorado, a co-founder of the WSNFC, testified about the report at Wednesday's hearing. The report is based on data compiled from surveys conducted by volunteers who directly observed, photographed, and documented how fee programs have been implemented across the country. It can be read at www.westernslopenofee.org.

At the hearing, concerns about BLM and Forest Service implementation of the FLREA were expressed by Chairman Craig as well as by Senator Craig Thomas (R-WY) and Senator Ken Salazar (D-CO). Senator Thomas had opposed the FLREA prior to its passage and expressed continued concern about extending broad fee authority to public lands outside of National Parks. Senator Salazar, who had not yet taken his seat when the FLREA was enacted in a lame duck session of the previous Congress, commented on the economic inequalities inherent in fee-based access to public lands. In his opening statement, Chairman Craig restated his long-time opposition to any kind of entrance fee for National Forest or BLM lands.

"We are pleased that Chairman Craig called for this oversight hearing and that his Subcommittee is taking a closer look at these excesses by the land management agencies," said Benzar. "We welcome the opportunity to lay out the results of our survey showing that there has been widespread disregard by the Forest Service and BLM for the provisions in the law that were meant to protect the public interest."

The report outlines three broad areas of non-compliance. First is High Impact Recreation Areas, which are not authorized in the law but which are being used to charge de facto entrance fees to vast tracts of Forest Service and BLM land. Second is Special Recreation Permits, which have been stretched beyond their previous application to commercial users like guides and outfitters and are now being required of individuals and private groups for access to backcountry including Wilderness Areas. Finally, the report charges that parking fees at trailheads are being used to control access to dispersed, undeveloped backcountry, which is specifically prohibited in the law.

In her testimony, Benzar also touched on her concern about a Forest Service policy called Recreation Site Facility Master Planning (RS-FMP), and a similar BLM policy known as Cost Recovery. Under these policies, which have never been reviewed by Congress, sites that cannot be self-supporting through fees are being slated for closure.

"These policies conflict with the language in the FLREA protecting the public's right to access dispersed areas of public land and to use minimally developed sites without the burden of fees," said Benzar. "The doctrine of 'fee or close' represented by the RS-FMP and Cost Recovery leaves the agencies' ability to comply with the FLREA in question."

The WSNFC is calling for repeal of the FLREA's fee authority in the Forest Service and BLM outside of developed campgrounds, and for increased restrictions on Special Recreation Permits, which should be limited to commercial operations like guides and outfitters or large organized events.

The Federal Lands Recreation Enhancement Act was enacted in December as a rider on the FY2005 omnibus appropriations bill. It allows the BLM and Forest Service to charge fees only for 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.