

## **WESTERN SLOPE NO-FEE COALITION**

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### **FOR IMMEDIATE RELEASE**

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## **IDAHO LEGISLATURE CALLS FOR REPEAL OF FEE LAW**

### **FOURTH STATE TO PASS ANTI-FEE MEASURE**

Idaho's is the fourth state legislature to call for repeal of the FLREA, joining Colorado, Montana, and Oregon. A similar measure was approved by the Alaska House and is awaiting action by the Alaska Senate. The FLREA's predecessor program, known as Fee Demo, was opposed by the legislatures of Oregon, California, Colorado, and New Hampshire, as well as dozens of county governments.

House Joint Memorial 14 states that in Idaho, a largely rural state that is 60% federally-managed public land, "the fees imposed by the Federal Lands Recreation Enhancement Act are a regressive tax that places an undue burden on the people living in rural areas adjacent to or surrounded by large areas of federal land and discriminates against lower-income and working Idahoans by placing financial obstacles in the way of their enjoyment of public land."

HJM 14 goes on to say that "recreational fees constitute double taxation and bear no relationship to the actual costs associated with recreational use," and that "the concept of paying fees to use public land is contrary to the idea that public land belongs to the people of the state and is land where every person is granted access and is welcome, a concept that has been and should remain in place."

The legislature directs that the resolution be sent to the Administration, key members of Congress and the entire Idaho Congressional delegation including Idaho Senator Larry Craig, who chairs the U.S. Senate's Subcommittee on Public Lands and Forests. Craig's Subcommittee oversees agency implementation of the FLREA.

Lead Senate sponsors were Senator David Langhorst (D-Boise) and Senator Clint Stennett (D-Ketchum). Representative George Eskridge (R-Dover) was the principal sponsor of HJM 14, which was co-sponsored by Representative Eric Anderson (R-Priest Lake) and Representative Dick Harwood (R-St Maries). Eskridge cited as one reason for his sponsorship his concern that the sections of the FLREA that were intended to restrict the unlimited fee authority in Fee Demo are not being complied with by the Forest Service and Bureau of Land Management.

Eskridge's concerns mirror those in a report published by the Western Slope No-Fee Coalition, which revealed that the Forest Service and BLM are largely ignoring the restrictions in the FLREA. When the FLREA was attached as an earmark on an appropriations bill in December 2004, its sponsor, U.S. Representative Ralph Regula (R-OH) attempted to deflect criticism by citing the increased limitations in his bill compared to the unlimited fee authority that had existed in the unpopular Fee Demo program. The FLREA 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.

But 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 new law. The Site Survey report was released concurrently with an October 26, 2005, oversight hearing by the Subcommittee on Public Lands and Forests of the U.S. Senate Energy and Natural Resources Committee, chaired by Idaho U.S. Senator Larry Craig. In his opening statement at the hearing, Chairman Craig stated his long-time opposition to any kind of entrance fee for National Forests or BLM lands and speculated that implementation of the FLREA by the Forest Service and BLM "may

have gotten off on the wrong foot. " The Site Survey Report can be downloaded at [www.WesternSlopeNoFee.org](http://www.WesternSlopeNoFee.org).

In listing his reasons for sponsoring the resolution, Eskridge also criticized the severe criminal penalties possible for failure to pay the access fees. Although first offenses are capped at a \$100 fine, those who fail to pay acquire a Class A or B Misdemeanor federal criminal record and the penalty for subsequent offenses can range up to \$100,000 and/or 1 year in jail. The driver, owner, and all passengers in a vehicle not displaying a pass are all presumed guilty.

Eskridge's measure also criticizes the way the FLREA became law, noting that it "was not voted on separately in the United States House of Representatives and was not introduced in, did not have hearings in, and was not approved by the United States Senate, but instead was attached to the omnibus spending bill, H.R. 4818, by the 108th United States Congress, as an appropriation rider."

Attachment: Idaho House Joint Memorial 14