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#### FEDERAL ENTRY FEES CRITICS ASK CONGRESS TO REPEAL FLREA

Critics of the Bush administration's strategy for implementing a federal recreation fee law got their day in the sun June 18.

At a hearing held by the House subcommittee on National Parks, Forests and Public Lands the critics blasted the Forest Service and the Bureau of Land Management (BLM) for charging entrance fees to undeveloped recreation areas even though they say the 2004 law forbids it.

"They are charging fees at thousands of trailheads that provide access to dispersed undeveloped backcountry, and they are stretching the Special Recreation Permit authority to cover virtually any type of recreational activity," said Kitty Benzar, president of the Western Slope No-Fee Coalition and a critic of the law. "As a result, de facto entrance fees are controlling access to huge tracts of public land."

Benzar urged House Natural Resources Committee members to act. "The only way to accomplish that, I believe, is to repeal the Federal Lands Recreation Enhancement Act (PL 108-447 on Dec. 8, 2004) and return to the policies that served America well for thirty years under the Land and Water Conservation Fund Act." The act, called FLREA, sets the ground rules for federal land management agencies to charge entrance and user fees.

Subcommittee chairman Rep. Raúl Grijalva (D-Ariz.) was clearly troubled. "In the past two weeks since we announced this hearing we have received a flood of testimonials from people who are all asking us to repeal the law," he said. "After ten years of experience in implementing this law I would hope we were beyond these issues." However, Grijalva didn't say he supported repeal.

Under Secretary of Agriculture Mark Rey said repeal would be devastating. Asked by Rep. Rob Bishop (R-Utah) on the impact of total repeal of FLREA, Rey said, "The Forest Service manages 17,000 recreation sites with both appropriated and fee dollars. The legislation would call into question our ability to operate 7,300, or 43 percent of sites. It's possible we could offer about 2,000 of those sites to concessionaires who will also charge fees, albeit at a higher rate. Roughly a third of the sites on the national forests would be called into jeopardy

Deputy Secretary of Interior Lynn Scarlett said various surveys in recent years has shown support for the fees from

80 percent of BLM visitors, 83 percent of national forest visitors and 90 percent of NPS visitors.

Sen. Max Baucus (D-Mont.) has taken the lead in the Senate. He introduced a repeal bill (S 2438) on Dec. 10, 2007. He was joined by Sens. Ken Salazar (D-Colo.), Mike Crapo (R-Idaho) and Jon Tester (D-Mont.) The Senate Energy Committee had scheduled a hearing on S 2438 for April 15 but postponed it.

At the June 18 House subcommittee hearing the Bush administration defended its practice of charging fees to enter high impact recreation areas (HIRAs.) Critics say the HIRAs violate the law because they require a fee to use undeveloped recreation areas. But the administration says that because developed recreation areas are within the HIRAs, the fees are within FLREA's sweep.

FLREA established a permanent program that included authority for federal land management agencies to collect user fees; the Park Service and the Fish and Wildlife Service to collect entrance fees; the Forest Service, BLM and the Bureau of Reclamation to collect access fees to developed recreation sites; and all agencies to sell and honor the new All-American Passport.

S 2438 would leave in place only Park Service entrance fees (as established in a previous law), with 80 percent of revenues still retained by collecting NPS units. In other areas S 2438 would:

- \* eliminate collection of "standard amenity fees" at developed sites that the 2004 law authorized for the Forest Service, BLM, and the Bureau of Reclamation,

- \* eliminate retention of recreation fees by the agencies and return use fees to the U.S. Treasury,

- \* cap entrance fees charged by NPS at \$25 for a single visit by car, \$12 by foot or bicycle, and \$40 for an annual pass (instead of \$15),

- \* eliminate a multi-agency American Passport and reinstate the old Golden Eagle and Golden Age Passports charged by the Park Service, and

- \* increase the Golden Eagle passport fee from \$25 to \$65.

Critics say FLREA went awry in part because it returned fee revenues to federal land management agencies. That gave agencies an incentive to charge fees in undeveloped areas, they say.

But Rep. Ralph Regula (R-Ohio), the architect of an original fee prototype law in 1997, asked the subcommittee to keep FLREA in place. "I hope you don't abandon it," he said. "The evidence is very strong as you will hear from the people in the Interior Department about how important this is."