

Open Line program, live on KIKO 1340 AM, Claypool/Miami, Arizona, Tuesday July 15, 2008. Guest is Kitty Benzar, President Western Slope NO FEE Coalition, of Durango, Colorado. This program is hosted by JB (Jim Barter), with co-hosts Velma and Myles Hodson, Roosevelt Lake residents who are concerned citizens about fees to access public lands. Air time: 9:40 to 10 AM.

JB: Good morning, welcome to Open Line for Tuesday July 15. We're going to be talking on the phone with Kitty Benzar, President of Western Slope NO FEE Coalition; and we have Velma and Myles Hodson here in the studio. So first of all we're going to join up here, with Kitty Benzar, and see how she's doing this morning. Good morning Kitty.

KITTY: Good morning JB. How's everybody there?

JB: Well, we have you on the telephone, and we have Velma and Myles Hodson in the studio. How do you want to do this? Shall I ask you a few questions, or what do you want to do?

KITTY: Anybody can ask me whatever questions you'd like to I love to talk about this topic. I'll tell you anything you want to know.

JB: First of all let's go ahead and add Velma and Myles to the mix. Good morning folks. (Velma: Good morning. Myles singing: Good morning to you.) Don't quit your day job, Myles. (I won't.)...Well, Kitty, tell us a little bit about the background of these public lands access fees.

KITTY: Well they got started back in 1996, as a Demonstration Program; we all knew it as "Fee Demo"; and it essentially allowed the forest service to start charging us for basic access to our public lands; and under that authority they did start charging General Entrance Fees, for things like - national forests and BLM. There was a lot of opposition to that, and by 2004, they could see that they weren't going to be able to renew it; and so, they replaced it with a more restrictive law, called the Federal Lands Recreation Enhancement Act, we know it affectionately as "The RAT", the Recreation Access Tax. Both of these laws were passed as Appropriation Riders, without any debate on the Floor of Congress; and they are continuing to charge us General Access Fees, to public lands, even though there's more restrictions in this new law.

JB: Okay, Q & A, Velma or Myles.

VELMA: Kitty you did mention the FLREA (Federal Lands Recreation Enhancement Act); when the Bill was signed, did it actually become more restrictive, or was it supposed to be more restrictive?

KITTY: Yes, it supposed to be more restrictive; for day use areas, it listed six specific amenities that have to be present before they're allowed to charge a fee. But, what the forest service and BLM have done is, they have side-stepped that restriction, by drawing a 'big' circle around how ever much land they need to, in order to encompass those six things; and then they charge us for all access; and they call those High Impact Recreation Areas; which are also known as HIRA'S; and we've got quite a number of those all over the country now.

JB: Okay. Let's go on ahead here. Is this new FLREA law more restrictive where fees can be charged, than where fee demo was?

KITTY: Yeah, it is, it should be, if the agencies were honoring those restrictions; but, again, their using these High Impact Recreation Areas to get around those restrictions. It's not clear to me that the authority is in the law. In fact, two of these HIRA'S, one in Arizona, on Mount Lemmon, and one in Colorado, at Mount Evans are currently being challenged by a civil lawsuit in Federal Court, and we'll see how that goes.

JB: Did you mention something about a hearing in Washington, about this recently?

KITTY: Yeah, June 18, I went up to Washington, for a hearing, along with several other witnesses. It was in the House of Natural Resources Committee and the members of the committee expressed very serious concerns about how this law is being implemented. They confirmed that Congress did intend for forest service and BLM to be more restrictive, on where they can charge fees; and they're very skeptical that these HIRA'S, these High Impact Recreation Areas, are something that they intended to authorize in the law; and they're also very concerned that the forest service, and the BLM are not accurately accounting for the money they're bringing in. And, uh, Velma I know you've done a lot of math on this.

If the Tonto National Forest has seen the number of visitors they claim, and we know what they're charging per visitor, for a Tonto Pass; shouldn't they be bringing in millions of dollars? Do you have any idea where that money is going?

VELMA: Well, actually, I'm not really sure, because it does sound, you know, what the Tonto National Forest reports is their barely making enough money to take care of the infrastructure they have. But, yet, earlier this year they advertised they truly did have barely enough money to manage their current facilities; and we know right now, they have a comment period going where recreation development, down near Cave Creek, is going to be really immense; and you kind of wonder where the money is coming from, if they say they're always broke. ...

KITTY: Is that, that Needle Rock project that you were telling me about? ... (Velma: Yes)... They're building a fancy new facility, at the same time claiming that they don't have enough money to maintain what they have now; and they should be, if they do the math; they should be bringing in millions of dollars with that Tonto Pass. So, they shouldn't have any trouble, if they were using that money as intended, with meeting their obligations to maintain those things. As we saw at the hearing the forest service is a 'black hole', when it comes to finances; a lot of money goes in, not very much information about how they're spending it comes out.

And, another thing that happened at that hearing was, that the forest service witness, Mark Rey the under secretary of department of agriculture, who is in charge of the forest service, answered several questions with very misleading, and I would even say, untruthful information, that he was passing on to the members of Congress, as to these HIRA'S , these High Impact Recreation Areas; he told them for instance – that all of these High Impact Recreation Areas have been approved, by the Citizen's Advisory Committees that have been set up in every state; and that they've met the tests of those committees, as to whether they are in compliance with the law, or not. But, in fact, I've seen the agendas of all of those meetings, and none of these HIRA'S have ever been submitted to these committees for approval. So, he was just plain misleading Congress there; a lot of that happened in Washington, and we're hoping that as a result of the anger of being lied to by these Congressional members that we will get a Bill to repeal the fee law, and get it on its way through the process, and get it passed.

VELMA: Is there a Bill that we all should be interested in, in the Senate right now?

KITTY: There sure is. It's Senate Bill 2438. It's called the Fee Repeal and Expanded Access Act. It's got chief sponsors of both Senators from Montana – that's Senators Baucus and Tester, the Republican Senator from Idaho – Senator Crapo, and the Democratic Senator from my part of Colorado – Ken Salazar. So, it's a bi-partisan Bill that would repeal the authority to charge these fees; and it is working its way through Senate; it would be very helpful to get a companion Bill introduced in the House. So, that's one of the reasons we had that hearing in June, was to try to get Members of the House of Representatives interested in sponsoring and passing a companion bill to that.

VELMA: Excuse me JB. What could people do to help this go along?

KITTY: They can sure support that Bill; show their support for that Bill by contacting their members of Congress, both of your Senators – Senator Kyl, and Senator McCain; and also your

Members of the House of Representatives. I know in your area most people are represented by Mr. Renzi; he's got some problems right now, but still he has a staff, and he is still your Member of Congress; I would contact him; and then the Chairman of the committee that held this hearing last month, has shown great support for repeal of this Bill, and he's an Arizonan, he's a Congressman, Raul Grijalva; he represents part of Tucson, and the Southwestern part of Arizona. So, Raul Grijalva, I'm sure would like to hear from fellow Arizonans, whether you live in his district, or just in the same state; and ask him to sponsor a companion Bill in the House, to repeal this Federal Lands Recreation Enhancement Act. It's a bad law. It was never passed through Democratic process; it's allowing forest service, BLM to charge us fees, just to walk on our federal lands that we're supposed to own.

And, again, we're not talking about fees for a campground. People need to understand that a fee to use a campground overnight has never been controversial, and we don't oppose that; and those are going to continue no matter what happens. The fees we are against, are the general access fees; and this would be your Tonto Pass, which is required just to go and use a picnic table, on the edge of the lake, or park by the lakeshore and just go fishing; uh, not use any facilities, and not need any facilities. These are the fees that are controversial, and the ones we would like to see repealed. So, it's important that people do contact Washington; and they can also contact local officials, you've got your county Supervisors there; your city council members; any elected official, at any level, can be approached, and asked to pass a resolution, calling for a repeal of the law; and that's very helpful. That gives leverage to the individual voice, and resonates louder in the halls of Congress.

And then, of course, people can check our web site; stay informed; sign up for our Email newsletter; we notify them when immediate action is needed, in a wave of letters is, or phone calls to Congress. They can stay informed that way, and, what else? Myles, Velma, you've been as active as anybody in the country on this.

MYLES: What is the web site? ... Cool, I even wrote it down...

KITTY: Oh, the web site; thank you Myles. www.westernslopenofee.org... Thank you.

JB: Okay, Velma, Myles, and Kitty, just to clarify now what we want our listeners to do, @ this point is, to notify elected officials, federal officials, that we want to support S.2438, the Fee Repeal and Expanded Access Act, and let them know we want the passage of this fee repeal act.

KITTY: Correct, and that is the Senate Bill number, and if you are contacting a Member of the House of Representatives you can ask them to "Please sponsor and support a companion bill in the House, to go with that Senate Bill".

JB: That number again, S.2438 The Fee Repeal and Expanded Access Act. We're for it! Anybody else? Speak up here.

VELMA: One thing; I've read the FLREA several times, and one thing that really disturbs me in there is, the fact that, there is nothing in there to limit how fast and how high they can raise fees. We're aware that Prescott National Forest recently had a comment period open; and it looked like a lot of their fees are going up 150% to 200%. And, in checking on the agenda of the Arizona Recreation Resource Advisory Council that is set up through the BLM, the Bureau of Land Management, Tonto National forest is on the schedule in September for increasing the fees. You can find this stuff out by internet research; or depend on us to help get the word out there. We just need to be aware of what they're doing, and keep up with what's current, so that we can let Congress know; let our fellow citizens know, that if we don't speak up our silence is considered approval of what they're doing; and we just don't need to be silent anymore!

KITTY: That's right. And let me add something to what Velma just had to say. These Recreation Resource Advisory Committees have been set up now, across the whole country.

But, the folks chosen to sit on these committees were chosen because they work well with the forest service; they work well with BLM; they are not the kind of people who like to tell those agencies “No”. So when these fee proposals come to them, um that they have to recommend approval for, if they are going to go forward; their inclination is to say, “Yes”. These folks were hand selected, because of their likelihood to say “Yes”. So, these advisory committees have effectively functioned across the country, as nothing more than rubber stamps, for whatever the forest service wants to do. So, when Velma says, “There is no limit as to how fast or how high these fees can be raised”, she’s absolutely right. Because these advisory committees **supposedly** represent the public in the process almost never say “No” to anything that is brought before them.

JB: Okay. Well, there seems to be a bi-partisan attack upon these fees. So, it’s all the people that make sense in Washington who are realizing that something’s wrong here. Myles, Velma anything else you’d like to add here?

VELMA: Well, I’d just like to add, we really, really, truly appreciate our association with Kitty. We’ve known her for a number of years, and have had the privilege to meet her face-to-face; AND we enjoy working with her; and she really keeps up-to-date on what this whole fee issue is; and she keeps us up really, quite on top of things; and I think, over the years we have probably passed on hundreds, if not thousands of the alerts, about when action is concerned; and I will be happy to share those with anyone who would like to know what’s going on.

JB: It seems to me that Kitty has an excellent grasp of this situation.

VELMA: Oh, yes! Most excellent!

KITTY: As long as we are forming a mutual appreciation society here. Let me just say that people, “Velma and Myles, specifically, and people like them are the heart and soul of what is going to get these fees removed.” I mean, if you look at the Hodsons, they qualify for free passes, due to disability, and do to age; and yet, (Myles: Not quite.) they have put tremendous effort into this; (JIM: You’re getting there.) and they just don’t give up; and that tells me, that it’s not about the money; it’s about the love and the passion they have for their public land; which I’m sure they have passed on to their kids, and their grand kids; and there’s lots of other people out there like them; and that’s the network of ordinary citizens, just persistently staying on this issue, that is going to get this fee authority repealed; and I have no doubt about that, it’s just a matter of time.

JB: Roosevelt Lake is always on my mind, due to Velma and Myles, of course, on a daily basis; which is a good thing.

VELMA: Yeah, we’ve known JB for quite a bit longer, than we’ve had acquaintance with Kitty, but, you know, they’re both special. (JIM: Ahh.)

KITTY: Yeah, you know, it’s ordinary people that make this country run, it’s still true. People need not be cynical about government, and go ahead and do what they can do as citizens; and it all adds up; and it all will work in the long run. I mean, if you look at Arizona; Arizona is a poster child for how this fee authority has been abused. Roosevelt Lake is one example; that’s an 8,000 acre HIRA, High Impact Recreation Area, where there is a “de facto” entrance fee to use it, even though, entrance fees are not allowed by law.

Looking a little farther north, one of the biggest HIRA’S in the country, Red Rock,, on the Coconino National Forest. That whole 160,000 acres, around the Sedona area, has a “de facto” entrance fee, applied to it. Again, the law doesn’t allow them to charge entrance fees, but they’re going ahead and doing it anyway. So, people in Arizona really should care about this, because it is all over your back yard; and it’s definitely affecting your ability to use land, that you own.

VELMA: Yes, that's something I've noticed, like in the Red Rock area, when I was researching about the fees that are being charged to go in there; they even charge people who bicycle in and walk in.

MYLES: Yeah, that's \$3.00 to walk in. Yeah it's going up.

KITTY: Yeah, if you want to drive in and park your car, and go for a hike there's a fee to park your car, even though they're not allowed to charge parking fees; so it amounts to a hiking fee and a parking fee. There is several aspects of that, that are completely outside a reasonable interpretation of the law.

And so, like I said, we do have these two civil suits going; one of them is in Arizona, on Mount Lemmon; and Red Rock's would be subject to one of those too, if we had unlimited resources. But, we're hoping the two suits that are going forward will clarify, in the Courts, whether or not the forest service's interpretation and establishment of High Impact Recreation Areas is legal. We don't think it is, and we have high hopes that we prevail on that topic in the Courts.

VELMA: Another thing I would like to add real quick, Western Slope NO FEE, isn't the only organization that is a NO FEE Coalition is there? There's quite a few around the country.

KITTY: That's right, and you've got the Arizona No Fee Coalition right there in Arizona; it was one of the early ones, that was in place long before we were; and several other groups that we work with. We especially work with thousands and thousands of individuals and organized groups; whoever has an interest in keeping free access to public lands alive. Our organization has stuck to the one and only one topic of fees; that has allowed us to bring together user groups that don't even talk to each other, such as - your motorized groups, and your wilderness groups. We work with both of those, both ends of the spectrum, and are glad to do so. We work with equestrian groups; we work with elected officials; we work with non-profits; we work with wilderness groups; we work with 4-wheel drive and ATV clubs. We're happy to work with anyone, because it's all about public land, that we all own in common; and we're proud to be able to bring some of these people to the same table, on the same side; and once we get these fees repealed, then we all can go back to fighting any age old battles we want to. But, I think it's a good experience for us to learn how to work together as well.

JB: Okay Kitty, one more time, www.westernslopenofee.org. Any phone numbers available folks?

KITTY: Sure. My phone number is 970-259-4616. I would be happy to hear from anyone who wants to talk about this issue.

JB: Okay, that's a landline number. Alright Velma, Myles, and Kitty thanks for coming on Open Line today. I found it very interesting; any last words folks?

VELMA: Well, our home phone number is 928-467-2636.

MYLES: And if we're not there, leave a message. Go ahead Kitty.

KITTY: I just said, "Thanks for everybody's time. I appreciate you having us on JB."

JB: Thanks everybody. You're listening to KIKO Miami. Time now is 10 o'clock.