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PUBLIC LANDS: Senators aim to repeal entrance fees for forests, refuges, BLM lands

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Three Western senators may have better luck this year pushing a bill to remove entrance fees from public lands and national forests across the country, now that one of their former co-sponsors is the Interior secretary.

Montana Democrats Max Baucus and Jon Tester and Idaho Republican Mike Crapo say their bill would revoke Forest Service authority to institute new fees and increase existing fees at campgrounds, trailheads and other public areas. The National Park Service still could charge admission, although the amount would be capped, and establish new user fees after a cost-and-benefit analysis.

While the Bush administration opposed the measure, Interior Secretary Ken Salazar co-sponsored a nearly identical bill last year while a Colorado senator. An Interior spokesman said yesterday the department has not yet taken a position on the new bill.

The Western senators want to repeal the Federal Land Recreation Enhancement Act, which established entrance and enhanced user fees on Interior Department and Forest Service lands but has drawn criticism for its fee structure and uneven enforcement.

Nicknamed the Recreation Access Tax (RAT) by opponents, FLREA was included as a rider on an omnibus spending bill in December 2004 at the behest of former Rep. Ralph Regula (R-Ohio) and with the support of the Bush administration. FLREA was the successor to the "fee demo" program the agencies had operated under since fiscal 1997. Agencies have collected more than \$2 billion in fees since the demonstration program began in 1996.

The Baucus-Crapo bill would essentially restore the fee structure that existed before 1996, meaning only the Park Service would be allowed to charge entrance fees. Such fees for the Forest Service, Bureau of Land Management, Bureau of Reclamation and Fish and Wildlife Service would disappear.

"Every tax day we pay to use our public lands, we shouldn't be taxed twice to go fishing, hiking, or camping on our public lands," Baucus said in a statement. "Paying twice just doesn't make any sense."

"This is an exciting step toward restoring access to public lands for all Americans and not just access for those who can afford to pay extra," added Kitty Benzar, president of the Western Slope No-Fee Coalition. "We will work hard to get this bill passed and signed into law."

Agencies would still be allowed to charge for developed campgrounds, swimming and boating sites. Except for the Park Service, the fees agencies collect would no longer remain at the sites they are collected, but the money would revert to the Treasury. Under FLREA, 80 percent of fees are to be used at sites where they are collected.

Although the bill does not address the issue, the loss of fee revenue to non-park sites likely would need to be replaced through appropriations.

FLREA also mandated the creation of the \$80 "America the Beautiful" annual pass good for Interior and Forest Service lands, replacing a \$50 pass good for all national parks, essentially meaning a \$30 increase for those who wanted a national parks-specific pass. The Baucus-Crapo bill would re-establish the parks-only pass and abolish the "America the Beautiful" pass, as entrance fees would not need to be collected on the other public lands.

The Bush administration opposed the bill, saying FLREA is an essential tool that allowed sites to use fee revenue to enhance visitor experiences.

At a House Natural Resources Committee hearing last June, then-Interior Deputy Secretary Lynn Scarlett and Agriculture Undersecretary Mark Rey defended it as an "immediate and flexible source of funding." The fee revenue has made possible more than 10,000 improvement and conservation projects, they said. About 98 percent of national forest lands remain free, as do 65 percent of Forest Service developed sites, they added.

"Retention of fee authority is paramount to our ability to maintain and manage our federal lands and effectively address the deferred maintenance backlog at our national parks, forests and other federal lands," Scarlett and Rey said in a joint statement. "Visitors to our federal lands are telling us that they understand that they benefit directly from the recreation fee program and are supportive."

But Idaho State Rep. George Eskridge (R) testified that the public feels the fees are excessive, unwarranted in many cases and used for purposes not directly related to improvements in specific recreation facilities where the fees are charged. Richard Dolesh of the National Recreation and Park Association testified that while the group generally supports special use fees, there are major inconsistencies in how they are charged and managed under FLREA.

Several state legislatures, including those in Alaska, California, Colorado, Idaho, Montana and Oregon have approved resolutions opposing the expanded fee collection program.

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