

## Missoula Independent

# Ochenski

*Max attacks RAT: New measure would repeal recreation access tax*

By: George Ochenski

Posted: 05/07/2009

Outdoor recreation is part and parcel of living in Montana. For many of us, it's what living here is all about. Hunting, fishing, camping and hiking are and have been core activities for tens of thousands of Montana families for generations. The bad news is that, some years back, a slimy little clause was attached to an appropriations bill in Congress giving federal land management agencies wide discretion in charging new and higher fees for accessing federal lands. The good news is that Montana senior U.S. Sen. Max Baucus has now introduced legislation to repeal that fee authority and, once again, guarantee access to federal lands without being hit by outrageous fees for everything from parking to hiking.

For those new to Montana or unfamiliar with the issue, it was back in the late '90s when a certain California Republican, Rep. Richard Pombo, slipped a rider on an appropriations bill allowing federal land management agencies to begin what was then called the Fee Demo program. Under the authority of the rider, federal agencies could assess various uses of federal forests, waters and lands to determine where certain recreational activities took place, what federal amenities were provided and what fees could be charged for using those areas.

Ostensibly the goal of the new program was to provide new revenue to the federal agencies in the form of user fees. But as they say, "the road to hell is paved with good intentions," and sure enough, the federal agencies were out-of-control, turning publicly owned resources into their own private revenue producers. Even worse, since some part of the fees collected were earmarked to the areas that produced them, the focus turned to squeezing funds out of citizens at every possible opportunity.

In short order, the abuses by federal agencies began to stack up. Court battles raged over tickets issued to those who parked along highways to access federal lands without first paying their fees. Citizens who had, for years, enjoyed open access to forests, beaches, deserts and lakes found a new forest of "FEE AREA" signs everywhere they went. Montanans, by and large, were the last to experience this onslaught of federal recreational access fees, while more populated states such as Colorado were hammered and became the epicenter for the fee resistance movement. Groups such as the Western Slope No-Fee Coalition, which has since led the fight for "fee free" access to public lands, sprang into existence across the West (<http://westernslopeofee.org>).

Despite the unpopularity of the so-called "demo" program with public lands users, it was formally passed into law by the Republican-dominated Congress during the Bush administration in 2004 as the misnamed Federal Lands Recreation Enhancement Act (FLREA). More popularly, the fee program was known as the RAT, the recreation access tax, and "Kill the RAT" became the rallying cry of fee opponents.

The 2005 Montana Legislature overwhelmingly passed a resolution urging the repeal of the RAT with 49 out of 50 senators and 88 out of 100 representatives voting for it. The language of the measure, HJ 13, was unequivocal in its opposition to the federal fee program.

The resolution said, "Montana's culture, quality of life, and traditions demand free access to public lands," and cited the faulty process by which the program came into being, saying it "was never approved by the U.S. House of Representatives and was never introduced, never had hearings, and was never approved by the U.S. Senate but was instead attached to an omnibus spending bill as an appropriations rider." It also pointed out that such measures discriminate against those who may be unable to pay to access their own federal recreational

lands and waters.

Although the measure had many cosponsors from both political parties, it was carried in the Senate by then-Senate President Jon Tester, who was and remains a champion for fee-free recreational access. Tester went on to serve Montanans in the U.S. Senate and, to this day, continues to oppose recreational access fees.

Such strong opposition from a broad majority of Montanans doesn't go unnoticed, and Baucus became a leading and vocal opponent to the fee program. In the last Congress, Baucus introduced a fee-repeal bill but never took it to a hearing. Just last week, however, Baucus re-introduced the measure as S.868, the Fee Repeal and Expanded Access Act of 2009, which is co-sponsored by Sen. Mike Crapo, R-Idaho.

In his press release announcing the measure, Baucus didn't beat around the bush. "As a steadfast advocate of Montana's outdoor heritage, Senator Max Baucus has introduced legislation that would block the U.S. Forest Service and other federal agencies from charging Montanans higher fees to access their public lands."

Specifically, Baucus' bill would "revoke authority given to the Forest Service in 2004 to institute new fees and increase existing fees at campgrounds, trailheads, and other public areas" by repealing the onerous Federal Lands Recreation Enhancement Act and "reinstates legislation dating back to 1965 that limits the use of fees on public lands."

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

Tester, who is vice-chairman of the Congressional Sportsman's Caucus, has co-sponsored the legislation saying, "Raising fees on hardworking families who want to enjoy their public land isn't a card we should be playing. Americans already pay their share for our national forests every April 15. This bill is just common sense."

In addition to repealing FLREA, Baucus' bill would also reinstate the National Parks Pass system and cap the amount that can be charged for entrance to national parks.

No hearing date has yet been set, but Montanans should take this opportunity to thank Baucus and Tester for their tremendous effort to ensure that all Montanans have open access to our federal lands and waters.

*Helena's George Ochenski rattles the cage of the political establishment as a political analyst for the Independent. Contact Ochenski at [opinion@missoulanews.com](mailto:opinion@missoulanews.com).*