



GEORGE OCHENSKI: Time to rein in federal recreation fees on public's lands

11 HOURS AGO • BY GEORGE OCHENSKI

Last week the U.S. House Natural Resources Sub-Committee on Public Lands and Environmental Regulation heard testimony focused on the highly-controversial Federal Lands Recreation Enhancement Act – the law that allows federal agencies such as the Forest Service and Bureau of Land Management to charge fees to access public lands. Because the law will sunset in 2014, and because Rep. Steve Daines, R-Mont., sits on the subcommittee, we have the chance to play a critical role in reining in the indiscriminate and often illegal practice of charging the public to walk on our own lands.

Montanans know well that we often earn far less than those doing comparable work in other parts of the nation and remain near the bottom in per capita income. But for most of us, the trade-off for higher wages is our access to incredibly high quality recreation on the federal lands that surround us. These are the lands and waters where we hunt, fish, float, hike, watch wildlife and find precious refuge from the increasingly frenetic pace of modern life. Far from being simply another fungible commodity, access to public lands plays an integral and highly valued part in the lives of most Montanans.

But thanks to another disastrous congressional rider attached to a must-pass appropriations bill in the middle of the night with no public input or review, the so-called Fee Demo program came into existence in 1997. Like many measures which would never survive congressional and public scrutiny on their own, the Fee Demo rider was touted as a “pilot program” that would be implemented and then reviewed rather than be enacted as a permanent law.

The basic concept behind Fee Demo was to allow agencies to keep the fee revenue for local use rather than passing it on to the Treasury. Suffice it to say that Congress erred mightily in giving any government agency, let alone those responsible for millions of acres of public lands, the legal authority to basically raise its own revenue by charging citizens for activities that heretofore had been fee-free. Sensing they had just been given the goose that laid the golden eggs, the Forest Service and BLM went on a fee binge and squeezed the goose for all it was worth.

The public reaction as the “STOP: PAY FEE” signs started popping up at their favorite recreation sites was predictably angry. When Congress was deluged by letters of protest from around the nation, it took action to put some sidebars on where and when the agencies could charge fees. The result was the misnamed Federal Lands Recreation Enhancement Act, which has limited and/or reduced recreational use of federal lands, not enhanced it.

Here in Montana, and throughout much of the West, people were simply priced out of healthy outdoor recreation because they couldn't afford the daily fee for accessing their public lands, let alone the additional fees imposed for camping. The numbers from a recent congressional investigation reflect that reality. In 1997, the Forest Service was claiming 800 million visitors a year and rising while the BLM reported 60 million recreation visits.

But as Kitty Benzar of the Western Slope No-Fee Coalition testified last week, “a funny thing happened on the way to the future.” The Forest Service discovered their visitation was actually about a quarter of what they told Congress in '97 and has been declining since then, despite 15 percent growth in population. BLM recreation visits dropped to 51 million in 2001 and remain well under the 60 million in 1997. Instead of the projected vast increase in visitation the agencies used to rationalize the need for more fees, just the opposite has happened.

Now that Congress is taking a hard look at FLREA, the truth is coming to light. Although supposedly limited to developed sites, the agencies have widely abused their authority nationwide, charging fees for general access, roadside parking, scenic overlooks, passing through federal lands without using facilities, and dispersed areas with little or no federal investment.

The good news is that Daines now has the opportunity to truly represent Montanans and call a halt to the out-of-control fee program while Sen. Max Baucus, who has a long record of opposition to the access fees, can provide significant help as chairman of the Senate Finance Committee. Charging citizens to access their federal lands is obviously a non-partisan issue, so let's hope the House and Senate will act together to dump this onerous program once and for all.

George Ochenski writes a weekly column for the Missoulian's Monday Opinion page. He can be reached by email at oped@missoulian.com.