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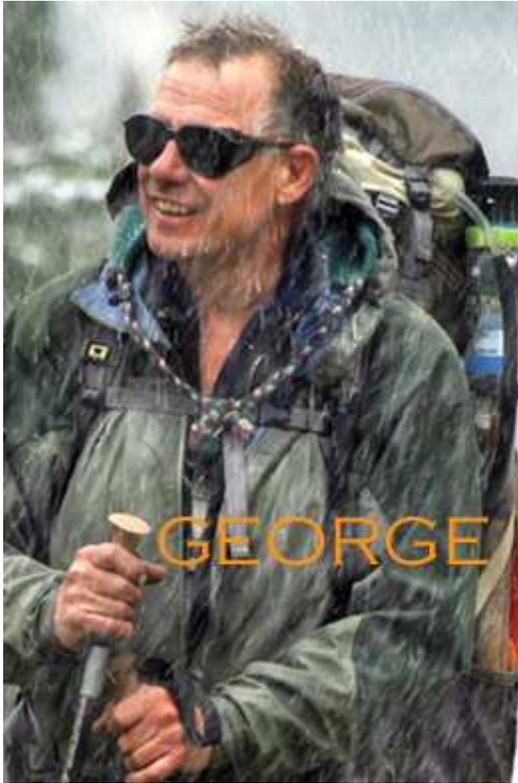
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## OCHENSKI: STOP HR5204 - OR PAY NEW FEES TO ACCESS FEDERAL LANDS

03 SEP 2014 POSTED BY GEORGE OCHENSKI

0 COMMENT



# OCHENSKI

Way back in the 90s Congress came up with a terrible idea – the horribly misnamed Federal Lands Recreation Enhancement Act (FLREA). The measure was passed with no hearings and slapped on as a rider to an appropriations bill in the middle of the night. Now, however, an even worse bill has been passed out of a House committee with no hearings and is likely headed to being attached – again as a rider – to a “must-pass” appropriations bill once Congress comes back from its summer recess after Labor Day.

Since its inception the FLREA has outraged citizens – particularly in the West – with arbitrary and often illegal fees enforced upon the recreating public. Rather than “enhancing” recreation on public lands, the law allowed federal land management agencies to begin charging fees in places and for activities that were formerly free. Obviously the measure discriminated against those members of the public who may

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not have the economic wherewithal to pay just to walk, camp, or even park on federal public lands. But even worse, it cut loose revenue-hungry agencies like the Forest Service and Bureau of Land Management to abuse the provisions of the law, which they did.

Although the language of the law defined certain “amenities” such as outhouses, drinking water, picnic tables and fire rings as necessary to an area before fees could be charged, that’s not the way it worked out. As is typical with “no hearings” bills, there were ambiguities in the law’s language that federal agencies exploited. For instance, they started charging fees to park on the roadside through federally-owned lands and at wilderness trailheads, clear violations of the law, but which were only stopped by groups and individuals bringing lawsuits against the federal government.

Although many hoped Montana’s former senator Max Baucus would keep his promise to pass a measure to repeal FLREA, good old Max would introduce a bill, cop the good Montana press that came from it, and then let it die in committee without any effort to move it forward session after session.

Just before Congress’ August recess, a Utah Republican, Rep. Rob Bishop, stuffed HR 5204, The Federal Lands Recreation Enhancement Modernization Act of 2014, through the House Resources Committee without a hearing. And like its predecessor, it’s a real stinker.

The “modernization” part of the bill should send shivers down the spine of Montanans who access public lands. Those interested in a line-by-line breakdown can find that analysis on the Western Slope No-Fee Coalition’s website at [http://www.westernslopenofee.org/pdfuploads/HR5204\\_WhatsInIt.pdf](http://www.westernslopenofee.org/pdfuploads/HR5204_WhatsInIt.pdf) . But here’s a quick rundown of some of the onerous provisions taken from the No-Fee Coalition’s analysis.

— Deletes the prohibitions currently imposed on the Forest Service and BLM from charging fees for parking, picnicking along roads or trailsides, general access, dispersed areas with low or no investment, driving through, walking through, boating through, horseback riding through, or hiking through Federal recreational lands and waters without using facilities and services, camping at undeveloped sites that do not provide minimum facilities, and use of overlooks or scenic pullouts.

- Forest Service and BLM would be allowed to charge a Day Use Fee for entry to National Conservation Areas, National Volcanic Monuments, Visitor Centers, and anywhere that there is a toilet within 1/2 mile of the parking, with only a few other, easily met, requirements.
  
- In the list of things that a campground must have in order to charge a fee, “refuse container” would be changed to “trash collection.” This could be interpreted to allow them to remove all the refuse containers and instead just come in and do an occasional clean-up. The provision of a campfire container would be no longer be required at developed campgrounds.
  
- Initiate a study as the first step to get rid of the Senior Discounts now in place for camping fees.
  
- Interagency passes to cover Day Use and Entrance fees would be made available only to US citizens and permanent residents. Currently anyone can purchase one for \$80. This would require that park rangers, visitor center staff, private vendors, and online outlets somehow check citizenship/residency status at the point of purchase, and perhaps again when the pass is used.

Given that Montanans often consider ready access to federal public lands as a partial offset of our bottom-of-the-barrel per capita incomes, the threat posed by this bill is no joke.

So what can you do? Immediately contact Rep. Steve Daines, Montana’s sole Congressman. Since Daines is running for the Senate and the bill has not yet passed the House, now is an excellent time to ask him to vote against HR 5204, which will do nothing but harm to Montanans. Montana’s Senators Tester and Walsh should likewise take a strong stand against the measure – including promising to strip it from any appropriation bill if it’s attached as a rider.

Contact information is at [www.house.gov](http://www.house.gov) and [www.senate.gov](http://www.senate.gov) .

## COMMENTS

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