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IDAHO HOUSE CALLS FOR REPEAL OF PUBLIC LANDS FEE LAW
Resolution Says Fees Penalize Rural Areas

The Idaho House of Representatives today unanimously passed a resolution calling for repeal of the Federal Lands Recreation Enhancement Act (FLREA), under which access and user fees are being charged for hundreds of thousands of acres of public land nationwide. The measure now moves to the state Senate for final approval.

House Joint Memorial 14 states that in Idaho, a largely rural state that is 60% federally-managed public land, "the fees imposed by the Federal Lands Recreation Enhancement Act are a regressive tax that places an undue burden on the people living in rural areas adjacent to or surrounded by large areas of federal land and discriminates against lower-income and working Idahoans by placing financial obstacles in the way of their enjoyment of public land."

HJM 14 goes on to say that "recreational fees constitute double taxation and bear no relationship to the actual costs associated with recreational use," and that "the concept of paying fees to use public land is contrary to the idea that public land belongs to the people of the state and is land where every person is granted access and is welcome, a concept that has been and should remain in place."
Representative George Eskridge (R-Dover) was the principal sponsor of HJM 14, which was co-sponsored by Eric Anderson (R-Priest Lake) and Dick Harwood (R-St Maries). Eskridge cited as one reason for his sponsorship his concern that the sections of the FLREA that were intended to restrict the unlimited fee authority in Fee Demo are not being complied with by the Forest Service and Bureau of Land Management.

Eskridge's concerns mirror those in a report published by the Western Slope No-Fee Coalition, which revealed that the Forest Service and BLM are largely ignoring the restrictions in the FLREA. When the FLREA was attached as an earmark on an appropriations bill in December, 2004, its sponsor, U.S. Representative Ralph Regula (R-OH) attempted to deflect criticism by citing the increased limitations in his bill compared to the unlimited fee authority that had existed in the unpopular Fee Demo program. The FLREA specifies that no entrance fee can be charged for Forest Service or BLM land, and that no fees can be levied merely for parking, for passing through public lands without using any facilities, or for access to dispersed backcountry areas.

But after surveying approximately 10% of over 4,500 fee sites, the WSNFC has already identified more than 300 that are not in compliance with the new law. The Site Survey report was released concurrently with an October 26, 2005, oversight hearing by the Subcommittee on Public Lands and Forests of the U.S. Senate Energy and Natural Resources Committee, chaired by Idaho U.S. Senator Larry Craig. In his opening statement at the hearing, Chairman Craig stated his long-time opposition to any kind of entrance fee for National Forests or BLM lands and speculated that implementation of the FLREA by the Forest Service and BLM "may have gotten off on the wrong foot." The Site Survey Report can be downloaded at www.WesternSlopeNoFee.org.

In listing his reasons for sponsoring the resolution, Eskridge also criticized the severe criminal penalties possible for failure to pay the access fees. Although first offenses are capped at a $100 fine, those who fail to pay acquire a Class A or B Misdemeanor federal criminal record and the penalty for subsequent offenses can range up to
$100,000 and/or 1 year in jail. The driver, owner, and all passengers in a vehicle not displaying a pass are all presumed guilty.

Eskridge's measure also criticizes the way the FLREA became law, noting that it "was not voted on separately in the United States House of Representatives and was not introduced in, did not have hearings in, and was not approved by the United States Senate, but instead was attached to the omnibus spending bill, H.R. 4818, by the 108th United States Congress, as an appropriation rider."

Sandpoint, Idaho residents and WSNFC members Ken Fischman and Lanie Johnson applauded the passage of HJM 14. "We are extremely pleased with today's action in the Idaho House," said Johnson. "We look forward to having Idaho's legislature join those of Colorado, Montana, Oregon, California and New Hampshire, as well as the Alaska House of Representatives, in calling for an end to user fees, under either Fee Demo or the FLREA, that restrict the public's access to publicly-owned land."

"Despite the FLREA's restrictions, de facto entrance fees and fees for use of dispersed undeveloped areas are still being charged on National Forests and BLM-managed land all over the country," observed WSNFC President Robert Funkhouser. "As long as the Forest Service and BLM continue to act as if they are above the law, state and local opposition to these abuses will continue to grow. Their disregard for the provisions in the law that were meant to protect the public's access to public land must stop."

Attachment: Idaho House Joint Memorial 14