A Seat in the House

Rep. George Eskridge 25 June, 2008 06:23:00

Some time ago I wrote an article discussing the Federal Lands Recreation Enhancement Act passed by Congress in 2004 and the problem the public was experiencing with federal land managers going beyond the intent of Congress in applying fees for use and/or visits to federal land recreation facilities. Because of the problems associated with implementation of the Act and complaints from Idaho citizens, I sponsored House Memorial 14 asking Congress to repeal the legislation in the Idaho 2006 legislative session. House Memorial #14 was passed unanimously by both the House and Senate and forwarded to Congress.

As a result of my sponsorship of House Memorial #14 and the Idaho legislature’s opposition to the FLREA, I was invited to participate in an oversight hearing on FLREA on June 18 in Washington D.C. conducted by the House Subcommittee on National Parks, Forests, and Public Lands. The other witnesses participating were:

* Lynn Scarlett, Deputy Secretary, Department of the Interior (Proponent)

* Mark Rey, Undersecretary Natural Resources and Environment of the Department of Agriculture (Forest Service) (Proponent)

* Kitty Benzar, President, Western Slope No-Fee Coalition (Opponent)

* Richard Dolesh, Senior Director of Public Policy, National Recreation And Park Association (Opponent)

* Bill Wade, Executive Council Chair, Coalition of National Parks Service Retirees (Opponent)
The purpose of the hearing was to hear testimony on the Act in reaction to growing opposition and complaints from the public on implementation of the legislation.

The Federal Lands Recreation Enhancement Act and its predecessor, the Fee Demonstration Act of 2004, were intended to provide clarification to the 1965 Land and Water Conservation Act that allowed certain fees to be collected for recreational use.

The original sponsor of the legislation, U.S. Representative Ralph Regula from Ohio, expressed his intent with the legislation as follows: “As passed by Congress, H.R. 3283 would limit the recreation fee authorization on the land management agencies. No fees may be charged for the following: solely for parking, picnicking, horseback riding through (federal lands), general access, dispersed areas with low or no investments, for persons passing through an area, camping at undeveloped sites, overlooks, public roads or highways, private roads, hunting or fishing, and official business. Additionally, no entrance fees will be charged for any recreational activities on BLM, USFS, or BOR lands……..”

This is the crux of the problem in the way the act is being implemented by the federal land management agencies. There are many examples of how the Forest Service and the other land managers are using the ambiguities and weaknesses in the language of the legislation to expand what is becoming an unlimited fee program.

The legislation allows fees to be charged only where there are certain amenities provided, specifically developed parking, permanent restrooms, trash receptacles, sign exhibits picnic tables and security services. As I stated in my testimony before
the House Subcommittee the agencies are going beyond Congressional intent and applying fees where these amenities are not available, for instance at trailheads, undeveloped campgrounds, parking at visual turnouts and other recreation areas lacking the required amenities.

I hope that the Subcommittee hearing will result in a bipartisan effort by members of the Subcommittee proposing legislation to repeal the FLREA and revert back to the original 1965 Land and Conservation Act. This legislation did allow fees to be assessed, but was more restrictive in that it required a significant investment by the Federal agency in a specific recreational facility before a fee could be charged for use.

Mrs. Benzar, Mr. Wiechers and I met with Idaho Representatives Bill Sali and Mike Simpson during the time we were in Washington on the FLREA legislation and both indicated an interest in pursuing the issue. Congressman Sali is also a member of the House Subcommittee on National Parks, Forests and Public Lands and participated in the June 18 hearing.

The Senate has also addressed the Federal Land Recreation Enhancement Act. Idaho Senator Mike Crapo joined with Montana Senator Max Baucus in introducing Senate Bill 2438 (S. 2438) in December of 2007. Senate Bill 2438 would repeal the FLREA and reinstate the fees authorized under the 1965 Land and Water Conservation Act. The legislation was scheduled for a hearing in April of this year but was not heard because of scheduling conflicts.

Mrs. Benzar, Mr. Wiechers and I met with Senator Crapo and learned that he would be working to get a hearing on the legislation scheduled before this Congressional session ends. We also met with Senator Craig who also expressed interest in repeal of the legislation.
More information on the hearing can be found on the House Natural Resources website by going to http://resourcescommittee.house.gov and then to the Subcommittee on National Parks, Forests and Public Lands. Any reader interested in watching the video on the hearing can do so by following the links from there.

I believe this is an important issue for Idaho. The federal government owns over 63 percent of the land area in Idaho and charging inappropriate fees for use of the recreational facilities on these public lands is not in the interest of Idaho citizens and those who visit our state.

Thanks for reading and as always I welcome your input on issues important to you. I can be reached by phone at P.O. Box 112, Dover, Idaho, 83825 or by phone at (208) 265-0123.

Thanks for reading! George

• See letter to the editor about this issue here.