

George E. Eskridge

Idaho State Representative

District 1-B

Testimony

Before the Subcommittee on National Parks, Forests and Public Lands

Committee on Natural Resources

U.S. House of Representatives

Hearing on

“Paying to Play: Implementation of Fee Authority on Public Lands”

Mr. Chairman and distinguished members of the Subcommittee;

Thank you for the privilege of appearing before you today and testifying on the Federal Lands Recreation Enhancement Act. It is an act that has created great concern among my constituents and my colleagues in the Idaho House and Senate.

The Federal Lands Recreation Enhancement Act of 2005 (REA) authorizes the U.S. Forest Service, Bureau of Land Management, Bureau of Reclamation, National Park Service and Fish and Wildlife Service to assess fees to increase revenues in order to supplement appropriations and other funding sources for the benefit of recreational facilities and services on public lands.

At the same time it was recognized by Congress in passage of the act that the overreaching philosophy of the recreation program on public lands is to provide the public with public land recreation opportunities funded primarily with Federal tax dollars and to a lesser degree from fees, grants and other non-appropriated sources.

Admittedly confusion in the past on what services should be funded by appropriations and what services should be funded by fees and other services has been a problem. The lack of clarity resulted in inconsistency in the implementation of fees. As a result Congress sought to provide direction on where/when fees should be charged by passage of the Recreation Enhancement Act.

In doing so Congress also mandated that the public have “free access to a variety of recreation opportunities and undeveloped public lands.” The Act “also requires agencies to ‘establish the minimum number of recreation fees and shall avoid the collection of multiple or layered recreation fees for similar uses, activities, or programs’.”

Unfortunately the implementing agencies have gone far beyond the intent of the Act in assessing fees for recreational use. The Forest Service as an example set up guidelines that look good on paper, but in actual practice are not being followed and in fact one could assume the guidelines are purposely being ignored by actual practice.

To exemplify this the following are three of the five guidelines as published in the Forest Service Interim Implementation Guidelines accompanied by my comments illustrating abuse of the guidelines:

1. An enduring program is only possible with wide public and Congressional support. Involve communities of place and interest in decisions about fee project design and where the fee money is invested. Use a variety of methods to report to the public about the Recreation Enhancement Program.

Comment: The public agencies have not abided by this implementation guideline. First, the “wide public” has not supported implementation of many of the fees and have not been involved in the design of the fees nor involved in decisions on where the fee revenue is to be applied.

Additionally information provided to the public on recreation fee implementation has been sporadic and ineffective. There are too many documented instances of the public being issued tickets resulting in misdemeanor charges and large fines because those visiting/using the recreation services/areas were not aware of the requirement to pay a fee or thought they were ok because they had a Golden Eagle Pass or other instrument covering their use or visit. As a result antagonism and opposition to the fees is significant!

2. Fees are acceptable if they have a direct connection to a perceived benefit such as at developed areas and where expanded or specialized services are provided.

Comment: This is the real crux of the problem. According to the guidelines a fee is to be charged only if substantial Federal investment has occurred as evidenced by at least six amenities being available. These six amenities are:

- \*Designated developed parking
- \*Permanent toilet facility
- \*Permanent trash receptacle
- \*Interpretation sign exhibit or "kiosk
- \*Picnic tables
- \*Security services

Fees are being charged where not all or any of these amenities are available, for instance at trailheads, undeveloped camping areas, visual turnouts and other recreational opportunities.

In addition the Forest Service specifically states in their implementation guidelines prohibitions against charging fees A) for general Forest/unit access, including charging solely for parking or picnicking along roads or trailsides, B) charging fees for overlooks or scenic pullouts, C) for camping at undeveloped sites that do not provide the minimum number of required facilities ( as outlined under Expanded Amenity Fee Developed Camping)

Abuse of these prohibitions is prevalent and exemplified by the high number of the public having to pay fees or assessed fines and misdemeanor charges for parking at undeveloped trail heads, utilization of scenic overlooks and pull-outs, and other recreation uses not subject to fees.

3. Each National Forest and Grassland provides a variety of outdoor recreation opportunities that are free of charge.

Comment: There are indications that a significant number of facilities that have been taken out of service or scheduled to be closed and replaced are because the required amenities aren't available thus the agency cannot assess fees for use. An article in the April 2, 2008 Colorado Springs Gazette states the following: "CHANGES PLANNED IN COLORADO The U.S. Forest Service has identified dozens of sites in the Pike and San Isabel national forests, and the Cimarron and Comanche national grasslands, where it may begin charging fees or increasing fees; some areas are also targeted for closure." (one can assume the closures are because no fees can be assessed those no desire to keep these facilities in use)

The Federal Lands Enhancement Act was passed into law to "retain fee revenues to supplement appropriations and other funding sources to repair, improve, operate, and maintain recreation sites and areas to quality standards...." Section 3(b)(1) of the act states "The amount of the recreation fee shall be commensurate with the benefits and services provided to the visitor".

There is a feeling among the public that the fees are not only excessive, unwarranted in many cases but are being used for other purposes not directly related to improvements in specific recreation facilities where the fees are imposed. A March 7, 2008 article in the New York Times titled "Recreation Fees Rising in Wake of Fire's Costs relates the following: HAMILTON, Mont.-Reeling from the high cost of fighting wildfires, federal land agencies have been imposing new fees and increasing existing ones at recreation sites across the West in an effort to raise tens of millions of dollars.

Additionally, hundreds of marginally profitable campsites and other public facilities on federal lands have been closed, and thousands more like overlooks and picnic tables are being considered for removal.” (a copy of this article is attached as attachment #1)

I believe this charge by the New York Times writer has merit. The U.S. Forest Service has revised its land management practice in a direction that reduces the amount of harvest on public forestlands and as a result has increased the fuel load and occurrence of devastating wild fires. The cost of firefighting as a result of this condition has increased dramatically consuming more of the agency’s budget and the need to look for additional revenues. Increasing fees to the public for recreational use is one way to increase these revenues. I believe we will continue to see attempts to justify increases in fees to help meet this need even though this action is against the intent of the Recreation Enhancement Act.

Members of the Committee, 63% the land area in Idaho is under federal ownership, much of it in timber land. As a result the forest products industry has been a major component in the economic health of the state. However as federal land management has changed, resulting in a significant reduction in allowable timber harvest, this industry has suffered creating mill closures and loss of employment in the industry resulting in an economic loss to the state and its citizens. We have attempted to adjust to this loss of a major industry by promoting a more robust tourist industry that in part relies on the public taking advantage of the recreational opportunities on the federal lands in our state. The improper implementation of fees for use of these facilities not only is resulting in opposition and dissatisfaction from our Idaho citizens but I believe will result in a decrease in use of these facilities by the general public and will result in a significant negative impact in the tourist industry in Idaho, not to other states as well.

I ask you to look at the current implementation of the Recreational Enhancement Act and the ramifications of continuing assessing fees beyond the intent of the act and to consider repeal of the act.

I have attached with my testimony several copies of articles and other information that I have referred to in preparing my testimony. I hope that the attachments will be helpful in emphasizing the opposition and concern being expressed by our citizens in response to the agencies’ implementation of fees as a result of the Act. I have also attached a copy of Joint Memorial No.14 sent to Congress in 2006 asking that the Federal Lands Recreation Enhancement Act enacted December 8, 2004 be repealed. The Joint Memorial was passed by the Idaho Legislature with no dissenting votes in the Senate or House.

Mr. Chairman I request that both my written and oral testimony be included as a part of this hearing and again I thank you and the other Committee members for the opportunity to testify on behalf of Idaho citizens concerned with the current implementation and use of fees for recreational benefits on federal lands.

ATTACHMENT #1

**The New York Times**

**Front Page March 7, 2008**

## **Recreation Fees Rising in Wake of Fires' Costs**

**By Jim Robbins**

HAMILTON, Mont. — Reeling from the high cost of fighting wildfires, federal land agencies have been imposing new fees and increasing existing ones at recreation sites across the West in an effort to raise tens of millions of dollars.

Additionally, hundreds of marginally profitable campsites and other public facilities on federal lands have been closed, and thousands more like overlooks and picnic tables are being considered for removal.

“As fire costs increase, I’ve got less and less money for other programs,” said Dave Bull, superintendent of the Bitterroot National Forest here in Hamilton. The charge for access to Lake Como, a popular boating destination in the national forest, will be increased this year, to \$5 from \$2.

Last year, the Forest Service collected \$60 million in fees nationwide, nearly double the \$32 million in 2000. The Bureau of Land Management, the country’s biggest landlord, also doubled its revenues over the same period, to more than \$14 million from \$7 million. The agency projects revenues from the fees will grow an additional \$1 million this year.

Though the new and increased fees still account for a small part of the agencies’ overall budgets, they have riled elected officials and environmental and recreation groups across the West. The critics complain that there has been insufficient public involvement in the changes — imposed at hundreds of locations over the past three years or so — and suggest that they reflect a significant shift in federal policy to a market-based approach from one of managing sites for public benefit.

Unlike the National Park Service, which has routinely charged admission and other fees at its parks, the Forest Service, Bureau of Land Management and other federal agencies have historically been less aggressive in imposing such assessments.

“Our government wants to charge us \$5 or \$10 to go for a walk in the woods — our woods,” said Kitty Benzar of the Western Slope No-Fee Coalition, in Durango, Colo. “We don’t think it’s right.”

Senator Max Baucus, Democrat of Montana, has introduced a bill that would repeal the authority of the Forest Service and other agencies to raise or institute many of the fees.

“The authority given land managers is being abused,” Mr. Baucus said. “They are using it to pad their budgets at the expense of the public. I think it’s just wrong.”

Federal officials say the fees are unavoidable because Congress has not increased financing for the Forest Service and the Bureau of Land Management even as the cost of fighting fires on public lands has consumed more of their budgets. The United States has more than 630 million acres of public land, most of it in the West.

“Firefighting costs went from 20 percent of the overall agency budget to 47 percent,” said Mr. Bull, comparing the current Forest Service budget with those in the mid-1990s. Last year, the agency spent \$1.4 billion on fighting fires.

The nearly \$47,000 raised in fees last year at Lake Como went to pay for an employee to direct traffic, to add a lane for boaters entering the lake and more frequent pumping of outhouses, activities that could not have been done because of money diverted to firefighting. Forest Service officials here say the fees are warranted because of the improvements.

“These fees are really important,” said Joni Packard, who is in charge of recreational fees for the Forest Service in the region that includes Montana, Idaho, Washington, North Dakota and South Dakota. “They keep our program whole.”

But Mr. Baucus called the fees “double taxation” because federal income taxes support public lands. He said he was not opposed to charging for access to developed areas like campgrounds, but not for trails and other undeveloped areas. His bill, introduced in December, is in the Senate Energy and Natural Resources Committee and has the backing of several Western senators, including Michael D. Crapo, Republican of Idaho.

The Umatilla National Forest in Oregon is typical of the new approach at undeveloped or minimally developed locations. Umatilla officials recently proposed 39 new fees, including a \$5-a-day charge to use 17 trailheads, most into wilderness areas that are now free. Violators would be subject to tickets and up to \$75 fines for the first offense.

Most controversial have been the Forest Service fees for access to large wilderness areas or forests near newly improved areas like parking lots. One of those is along a 14-mile stretch of state highway near Denver that borders the Arapaho and Roosevelt National Forests and tops out on Mount Evans at a scenic overlook. "If people stop their car to take a picture of a mountain goat, rangers can force them to pay a \$10 fee," Ms. Benzar said.

Minimal user fees were allowed in developed areas of public lands under the Land and Water Conservation Act, passed in the 1960s. In 1996, the Recreation Fee Demonstration Act expanded the types of fees that could be charged, and the 2004 Federal Lands Recreational Enhancement Act allowed even more.

The 1996 and 2004 acts were passed as riders to larger spending bills, leading critics to complain that they were given insufficient public scrutiny. Most of the objectionable fees have been imposed since 2005, when the 2004 law went into effect. "The public has never had a chance to make themselves heard on this issue, which is a fundamental change to their system of public lands," Ms. Benzar said. The Baucus bill would eliminate all fees being charged under the authority of the 1996 and 2004 laws.

Mr. Baucus proposes to address firefighting problems with separate legislation that would provide \$600 million for the Forest Service and \$200 million for the Bureau of Land Management. That money would cover about 80 percent of the two agencies' firefighting costs that exceed their appropriated budgets.

Because the Forest Service and Bureau of Land Management keep within their budgets money generated by the new fees, critics suggest that they have an incentive to raise as much as they can. "In some cases, they put out a trash can and picnic table and other things just to meet the minimum so they can charge \$5," said Scott Silver, the head of Wild Wilderness, a group in Bend, Ore., that opposes the fees.

That is contrary to the Western way of life, Mr. Baucus said, adding: "We're an outdoor people. The land defines us. It's part of a certain sense of freedom in the West."

Holly Fretwell, a research associate at the Property and Environment Research Center, a free-market research organization in Bozeman, said the fees were the best way to pay for recreation because they made the federal agencies more responsive to the people who use the sites. With fees, Ms. Fretwell said, the agencies "need to provide the service people want or they won't use

## ATTACHMENT #2

### **Miracles do happen!**

**Bonner County (Idaho) Daily Bee, Sunday Dec. 30, 2007**

Miracles do happen! In an age of bitter political recrimination, a truly bipartisan bill has just been introduced in the US Congress by Senators Crapo (R-ID) and Baucus (D-MT).

The Fee Repeal and Expanded Access Act (S. 2438) would roll back thousands of fees that Americans are being charged for mere access to their public lands. In 1996, a rider was slipped into an appropriations bill giving federal lands agencies the right to temporarily charge fees for many activities that hitherto had been free to the public and supported by general tax funds. Activities such as backcountry camping, hiking, and merely passing through public lands were now being charged fees. In one California forest they even charged a fee to park near a cliff to see the sunset! Over the years, these fees multiplied like a cancer, all over the US, even reaching into Idaho. Agencies such as the Forest Service, US Fish & Wildlife, and the Bureau of Land Management, starved for funds, created more and more fee areas.

Then in 2004 another rider, making the fees permanent, was slipped into another must-pass appropriations bill. We nicknamed it the R.A.T (Recreation Access Tax). Agencies now became emboldened in finding questionably legal ways of charging evermore fees. No fees for wilderness camping allowed? No problem. They charged for parking at the trailhead.

In Sandpoint, we collected 400 names on a petition to repeal these fees. My wife, Lanie Johnson, presented the petition to Senator Craig. We asked State Representative George Eskridge to sponsor an Idaho Resolution against the R.A.T. Rep. Eric Anderson co-sponsored it. The resolution passed both houses, unanimously.

We are at the threshold of success, but the way ahead is still challenging. There will be hearings and votes at several levels. We face powerful opposition. There is an entrenched bureaucracy to overcome, as well as the ARC (American Recreation Coalition). It is composed of such organizations as Marriott Hotels, International Association for Amusement Parks & Attractions, and the Walt Disney Company. They lobbied for these fees. They want to "manage" our public lands (i.e. develop them, either in "partnership" with the government or to buy them outright if they can get laws passed allowing them to do so).

American public lands are unique. No other country has anything like them. They belong to Americans. We do not need the king's permission to walk on them. We must keep them this way. Contact Senators Crapo and Baucus and tell them that you support S. 2438. Tell your friends in other states to ask their Senators to co-sponsor the bill.

Let's remain the Land of the Free, not the Land of the Fee.

Ken Fischman, Sandpoint, Idaho

### ATTACHMENT #3

#### **Casper Star-Tribune**

**January 30, 2007**

#### **Closing campgrounds**

**By BRODIE FARQUHAR**

#### **Star-Tribune correspondent**

Stung by negative press about campground closures, as well as criticism from conservation activists about a lack of public involvement in the process, the U.S. Forest Service says it wants to do better.

"Our aim is to raise the standard for participation and strengthen our work with the public so we can collectively determine the needs for forest recreation facilities and meet future demands," said Forest Service Chief Dale Bosworth this week in a letter to regional foresters. "The ultimate goal is to improve recreation opportunities and experiences on national forests."

The agency's recreation site facility master plan looks not only at campgrounds, but also assesses the viability of picnic areas, boat ramps, vehicle pullouts with interpretative signs and trailhead kiosks.

In one of his last acts as chief of the Forest Service, Bosworth has tapped a national review team to gauge the effectiveness of citizen participation in the recreation facility planning process. He charged the national team to conduct a thorough review and make recommendations by April 2.

For the next 60 days, said Joel Holtrop, deputy chief of the Forest Service, no

national forest will make any decisions about what recreational facilities will be closed, kept open or changed to meet public needs. Asked what was the genesis of the recreation facility planning program, Holtrop said it was an internal initiative, not prompted by Congress or the Bush administration. He acknowledged that in the face of mounting criticism and press attention, it was time to figure out how public participation in the process might be best improved.

### **Scope of closures**

The Forest Service manages about 15,000 camping areas and other recreational sites on 155 national forests and 193 million acres of public lands. The agency is

imposing a for-profit model on those sites.

In Oregon's Deschutes National Forest, for example, only 14 out of 212 existing developed recreation sites will remain open and free to public use, according to research by Robert Funkhouser, president of the Western Slope No-Fee Coalition in Colorado. All the rest will be shut down, turned over to concessionaires or kept open as fee sites, he said.

In Colorado, half of the 140 campgrounds and other facilities in the Grand Mesa, Uncompahgre and Gunnison national forests face closure. Last month, the Denver Post reported that 44 national forests have gone through the recreation facility planning process, and 10 percent of their facilities are marked for decommissioning or closure, with another 175 forests and national grasslands to complete their reviews by the end of 2007. The Post also reported that seven Rocky Mountain region forests in Colorado and Wyoming have submitted plans which call for either closing or reducing services to about 150 sites. The Shoshone National Forest proposes decommissioning 42 sites.

According to Scott Silver, director of the Wild Wilderness conservation group, "The U.S. Forest Service is generating dozens of 'proposed five-year programs of work' which collectively call for the closing, decommissioning and privatizing (of) hundreds upon hundreds of recreation sites and facilities. The process had been on track to shutter, demolish and/or reduce the season of operation for thousands of recreation facilities from coast to coast.

"The process is geared to concentrating access into relatively few, crowded and expensive to visit, facilities," Silver said. "The process calls for doing away with those special places in the forest where one could enjoy uncrowded, minimally developed, camping. The process is one of transforming the great outdoors into a place where recreation is sold to paying customers and where the quest for making a buck off recreation dominates."

### **Team leader**

Beth Pendleton, deputy regional forester for the Pacific Southwest in California, heads the new review team. She said the team members will study what has happened to date regarding public participation, and will also look at all communication methods and avenues, such as public meetings, public notices, postings on the Internet and working with journalists to get the word out.

Holtrop emphasized that recreation facility planning is not a decision process. Rather, it is an analysis tool, and therefore is not subject to the National Environmental Policy Act's environmental impact statement requirement.

Holtrop was asked if individual national forests that have announced facility changes and closures would "have to start over." He said different circumstances would apply to different forests, based on the degree that the public was or was not involved. Holtrop did keep the door open to reversing national forest decisions to close individual recreation facilities.

ATTACHMENT #4

IDAHO STATESMAN

APRIL 13, 2008

**Zimo: The commercialization of public lands has to stop**

**Pete Zimowsky**

Campers, hikers, hunters, anglers, bird watchers and others are being priced out of the woods.

Recent proposals to increase campground fees in the Boise and Sawtooth national forests have only fueled the fire. A grass-roots effort has been mounting against federal recreation fees, and Sens. Mike Crapo, R-Idaho, and Max Baucus, D-Mont., have introduced the Fee Repeal and Expanded Access Act of 2007. The bill would revoke the authority of federal agencies to add or raise fees established under the Recreational Fee Demonstration Program.

"Recreating on federal public lands has been a cherished birthright of Americans for generations and, with a few narrow exceptions, a right enjoyed without charge," said Kitty Benzar, president of the Western Slope No-Fee Coalition, based in Durango, Colo. ([www.westernslopenofee.org](http://www.westernslopenofee.org)). "The 1996 Recreational Fee Demonstration Program radically altered that tradition by requiring payment simply to access public lands for hiking, camping and many other activities," she said. Benzar is backing the Senate bill to repeal fees and halt what she calls the commercialization of public lands.

The term commercialization of public lands is the key. Many thought the rec fee program was going to be good because it took recreation fees and kept them locally for recreational improvements. It did improve boat-launch areas and restrooms along the Payette River near Banks. But the program went bonkers. Because it kept fees local and out of the Treasury, federal agencies scrambled to come up with ways to charge for everything they could get away with, including picnics in the woods.

Federal agencies have got it all wrong now - they're milking the public in any way possible. The Baucus bill will reverse that and hopefully turn the tide on out-of-control rec fees.

Let's get something straight: A rec fee is a tax. Politicians like to say they are cutting your taxes, but then they nail you with higher user fees. It's a tax in disguise. Raising campground fees and charging other rec fees isn't the answer to funding recreation sites.

Congress has to make sure recreation budgets for the U.S. Forest Service, U.S. Bureau of Land Management, U.S. Fish and Wildlife Service or whatever other agency that handles public lands are fully funded. Congress has to make sure the money gets down to the district level where it is needed for campground and recreation-site maintenance and operation. Recreation funding doesn't need to go to the Washington bureaucracy. It doesn't need to go to the regional bureaucracy. It needs to go to the district.

Federal agencies at the ground level have a legitimate gripe about funding. In announcing a proposal to raise campground fees last fall, the Boise National Forest listed some figures. Revenue from recreation fees and appropriations from Congress amount to roughly \$650,000. Boise National Forest has an operation and maintenance budget of \$760,000 annually. It also is dealing with \$1.6 million in maintenance and improvements that are not getting done.

But that's no excuse to price the average camper out of the woods with higher camping fees, fees to take a walk in the woods, or fees to park at a trailhead or picnic area. The concept of public ownership of public lands has been lost. Federal agencies now refer to the public as customers. The more federal agencies operate the outdoors like a commodity, the more the public loses.



It's the same with the privatization of the operation of federal campgrounds. Private companies close campgrounds as soon as the first cool breeze hits after Labor Day weekend. They don't want to be maintaining campgrounds if only a few campers show up. It's not profitable. Profitable? It's not Disneyland.

There should be some fees. Areas that require significant upkeep, such as developed campgrounds, should have a modest fee. But let's not price the public out of the outdoors.

**ATTACHMENT #5**

**HOUSE JOINT MEMORIAL NO. 14**

LEGISLATURE OF THE STATE OF IDAHO

Fifty-eighth Legislature

Second Regular Session

2006

IN THE HOUSE OF REPRESENTATIVES

HOUSE JOINT MEMORIAL NO. 14

BY RESOURCES AND CONSERVATION COMMITTEE

A JOINT MEMORIAL

TO THE PRESIDENT AND VICE PRESIDENT OF THE UNITED STATES, TO THE SECRETARY OF THE UNITED STATES DEPARTMENT OF INTERIOR, TO THE MAJORITY AND MINORITY LEADERSHIP OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE UNITED STATES IN CONGRESS ASSEMBLED, AND TO THE CONGRESSIONAL DELEGATION REPRESENTING THE STATE OF IDAHO IN THE CONGRESS OF THE UNITED STATES.

We, your Memorialists, the House of Representatives and the Senate of the State of Idaho assembled in the Second Regular Session of the Fifty-eighth Idaho Legislature, do hereby respectfully represent that:

WHEREAS, the Federal Lands Recreation Enhancement Act, H.R. 3283, 108th United States Congress, was introduced in the United States House of Representatives and would have authorized the United States Forest Service, the United States Bureau of Land Management, the United States Fish and Wildlife Service, the National Park Service, and the United States Bureau of Reclamation to charge visitor fees for recreation on publicly owned lands; and

WHEREAS, H.R. 3283 was not voted on separately in the United States House 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; and

WHEREAS, the 108th United States Congress enacted H.R. 4818, and the Federal Lands Recreation Enhancement Act is now codified as 16 U.S.C. sections 6801 through 6814; and

WHEREAS, the Federal Lands Recreation Enhancement Act includes criminal penalties and is substantive legislation that fundamentally changes the way public land in the state is funded and managed; and

WHEREAS, 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; and

WHEREAS, recreational fees constitute double taxation and bear no relationship to the actual costs associated with recreational use such as hiking, picnicking, observing wildlife, or scenic driving on state roads and public rights-of-way; and

WHEREAS, 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; and

WHEREAS, the public land access fees in the Federal Lands Recreation Enhancement Act are controversial and are opposed by hundreds of organizations, several state legislatures and millions of rural Americans; and

WHEREAS, the Federal Lands Recreation Enhancement Act establishes an interagency pass that may be used to cover entrance fees and recreational amenity fees for federal public land and water, disregarding the substantially different ways in which national parks and other federal public land are managed and funded; and

WHEREAS, the limited means of expressing opposition to and the lack of public debate in the implementation of the fee program raises the concern that some citizens may be deterred from visiting and enjoying public land in the state and throughout the United States; and

WHEREAS, tourism is an important industry to the state, and the imposition of recreational use fees will have a negative effect on state and local economies.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Fifty-eighth Idaho Legislature, the House of Representatives and the Senate concurring therein, that the Legislature of the State of Idaho demands that the Federal Lands Recreation Enhancement Act, which was enacted on December 8, 2004, be repealed and that no recreational fees authorized under the Federal Lands Recreation Enhancement Act be imposed to use federal public land in the state.

BE IT FURTHER RESOLVED that the Chief Clerk of the House of Representatives be, and she is hereby authorized and directed to forward a copy of this Memorial to be sent to the Honorable George W. Bush, President of the United States; the Honorable Richard B. Cheney, Vice-President of the United States and President of the U.S. Senate; the Honorable Gale Norton, United States Secretary of the Interior; the Honorable J. Dennis Hastert, Speaker of the U.S. House of Representatives; the Honorable Ted Stevens, President Pro Tempore of the U.S. Senate, the Honorable William H. Frist, Majority Leader of the U.S. Senate; the Honorable Harry Reid, Minority Leader of the U.S. Senate; the Honorable John Boehner, Majority Leader of the U.S. House of Representatives; the Honorable Nancy Pelosi, Minority Leader of the U.S. House of Representatives; and the congressional delegation representing the State of Idaho in the Congress of the United States.

