

## The Source Weekly Bend Oregon

### It's Not Just About the Five Bucks: An area campground becomes a recreation fee case study



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Written by Mike Bookey

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Up past Smith Rock State Park, on a road lined with farmland and flanked by pine-covered hills on each side, there's a small brown sign that you'd miss if you weren't keeping a keen eye out. But it's a sign that seasoned climbers from Central Oregon and beyond know well. It marks the entrance to the Skull Hollow Campground, a small collection of picnic-table-and-fire-pit camp sites nestled amongst brush and scattered trees.

The campground is rather primitive, as far as campgrounds go. Other than the tables and fire pits, the only other amenities are a dirt road that loops through the grounds and a pair of toilets that are basically just pits in the ground and on a recent afternoon were absent of toilet paper. For years, Skull Hollow has been a refuge for weary climbers who spend the days tackling Smith Rock and retreat the roughly eight miles to Skull Hollow to sack down for the night come sundown. And they've always done so for free – Skull Hollow hasn't required a fee, only a 14-day limit on stays. But a public lands advisory committee has recommended that the campground include a \$5 nightly per-site fee, and anti-public-land-fee groups, as well as climbers have taken issue with the fact that come May 15, Skull Hollow (which is currently not planned to receive improvements or additional facilities) will no longer be a free campground.

Opponents say that their issue with a fee at Skull Hollow isn't about the five bucks, but rather the increasing prevalence of pay to play on public lands. While the initial fee is minimal, they say the process has major flaws, and in this case is possibly illegal.

The recommendation for the fee at Skull Hollow was unanimously passed by the Pacific Northwest Recreation Resource Advisory Committee – a group of volunteer members ranging from guides to state tourism officials who represent different areas of the outdoor recreation arena and make recommendations on new or increased recreation fees on Forest Service and Bureau of Land Management land – at a January 30 meeting in Portland. Skull Hollow was just one of the sites that was recommended for a new fee or increase at the meeting.

The idea of a fee at Skull Hollow has been discussed for years now, and beginning in 2006 the public began writing into the Crooked River National Grasslands (the 110,000-plus-acre, Forest-Service-managed area that encompasses Skull Hollow) to comment on the proposal. In the 29 comments received by the agency, only two were in support of the fee, which is why people like Scott Silver, executive director of Wild Wilderness, a Bend-based non-motorized outdoor recreation group with a national presence, find the decision troubling.

“In this case it's not the \$5 that's my concern. The reason I'm raising concern over this is the way in which the (Pacific Northwest) Rec RAC broke the law in approving this,” says Silver, who has long been a watchdog of what he sees as a move by federal agencies to privatize public lands. He has previously referred to this as the “Disneyfication of the wild” and organized more than 100 protests in 16 different states.

Silver says that the committee is required to show that there is “general public support” for an issue before a recommendation should be made. Silver is referring to the committee's bylaws, Section VI of which requires the committee to “include documentation of general public support” in their recommendations to agency officials for a fee.

Kitty Benzar, the president of the Western Slope No-Fee Coalition, a Colorado-

based group that opposes all fees on public lands, attended the Portland meeting and also objects as to how the committee proceeded in regard to the public comments opposing a fee at Skull Hollow.

“The actual proposal documented that almost every comment opposed the increase and we reminded them that under the law they need to see evidence of public support,” Benzar says, who adds that nationwide these types of committees were meant to act as “rubber stamps” for fee increases.

Dennis Oliphant lives in Bend and is the owner and founder of rafting guide company Sun Country Tours and is also the chairman of the Pacific Northwest Recreation RAC. Oliphant says that there is a misconception as to the committee’s role when it comes to public commentary and that the committee is making its decision based on a presentation by the Forest Service or BLM at their meetings.

“We look at the presentation before us and then make a decision,” Oliphant says, “The important thing to realize here is that this an advisory group and we have no decision-making authority.”



Acknowledging that Oliphant is correct that the committee is, in fact, an advisory group, Benzar says that for all intents and purposes, the recommendation of the committee is a final decision. Should the agency wish to overrule a Recreation RAC, the issue would have to be passed on to committees in both the House and Senate. Benzar believes that rather than send the issue up to legislators, Forest Service and BLM secretaries approve recommendations, even if there are concerns about public support of the recommendation.

“To me, Skull Hollow has become the poster child for the process. The

committee substituted their judgment for the will of the people,” says Benzar, “This is probably the worst single example of [disregard for comments from the public] I’ve ever seen.”

Oliphant says that one of the committee’s responsibilities is to make sure the agency has “done their due diligence” in researching the issue, which includes presenting budgetary issues pertinent to the particular site. He also says that sometimes public comments aren’t always the best measure of the correct course of action for the agency.

“Most of the time they would get no input or very little input. If 100 percent of the input was opposed and that was two letters – and that’s just an example – the agency has to weigh that decision,” Oliphant says.

Benzar reiterates that the argument here is hardly about the actual \$5 fee, but more focused on what it means to put any sort of fee on a previously no-fee campground like Skull Hollow. She says that once a site has a fee, it’s common for the agencies to increase that amount as time goes by.

“Keep in mind that right now the \$5 fees are all going up to \$10,” she says, referencing several fee hikes around the region in recent years.

Wild Wilderness’ Scott Silver says that now that the Forest Service is in the “business of selling camping,” the agency is looking at private campground fees and adjusting their prices accordingly. Such is the case, he says, with the campgrounds operated locally by Hoodoo Recreation.

“What [Hoodoo CEO] Chuck [Shepard] is saying to the FS is that you can’t keep the prices artificially low because I can’t raise my prices,” Silver says.

In a 2007 letter to Detroit Ranger District, Shepard wrote: “I don’t know why the USFS feels the need to hold the fees lower than the market would say is reasonable...Please do not hold your fees artificially low, this actually hurts the concessionaire model which I know that the national USFS is anxious to have work.”

Oliphant says that while he would like to see “free and open lands,” he and other

committee members acknowledge that campgrounds like Skull Hollow require money for maintenance and regulation. And while the Forest Service does provide some maintenance at the site, Skull Hollow also receives help from people like Ian Caldwell, a member of the Smith Rock Group.

In the past, the non-profit group has provided volunteer maintenance to the campground, including emptying the toilets. In the minutes of the January Recreation RAC meeting, the issue was raised of whether the group would continue to provide this service should Skull Hollow become a fee site. Caldwell says the group has yet to decide how they'll proceed with their maintenance.

"We've discussed it a little bit, but if they're charging a fee to have an employee go out there and do that, there's not really reason for us to do it," says Caldwell, who first stayed at Skull Hollow in 1991.

Caldwell also illustrates another possible problem that could result from the mere \$5-a-night fee at Skull Hollow.

"The climbing community is looking for free camping and we recognize that if they don't have a free camping site they'll move to another place," says Caldwell.

He believes that climbers and others looking for a free night of camping will simply continue past Skull Hollow and camp off the grid, thus impacting nearby wilderness areas.

The issue of recreation fees may soon take the national spotlight with the introduction of a bill by senators Max Baucus (D-Montana) and Mike Crapo (R-Idaho) that would repeal the Federal Lands Recreation Enhancement Act (FLREA). Baucus told NewWest.Net last week that "we shouldn't be taxed twice to go fishing, hiking, or camping on our public lands."

Silver feels that the FLREA, which is sometimes referred to as the Recreation Access Tax (RAT) by opponents, is flawed in that it allows an agency to keep the money it collects, thus creating an increase in incentive to raise fees.

But congressional change or not, out at Skull Hollow, likely somewhere near the message board that informs campers of the seemingly loosely enforced 14-day

limit, will soon appear a box. And this is where campers can drop their \$5 bill.

## **Comments**

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Kitty Benzar said:

Mike, you have done a great job of making a complex issue understandable. I only want to make a slight correction that the Western Slope No-Fee Coalition does not oppose ALL fees on public lands, only the new fees that came into being under Fee Demo in 1996 and have been made permanent under the FLREA or RAT. To wit: fees for trails, roads, overlooks, toilets, wilderness, and undeveloped backcountry.

In general we do not oppose fees for developed campgrounds like Skull Hollow. But in the case of Skull Hollow, the Forest Service openly flouted the provisions in the law that require them to obtain and document general public support. And the so-called citizen advisory committee allowed them to get away with it.

It's a perfect example of why the FLREA needs to be repealed - there is not one clause in that law that is working as intended.

The bill to accomplish repeal was introduced last week into the US Senate as S.868 and I am sure it will receive wide support from climbers and other public lands users. We will be working hard to get it passed.

Other than that small correction, Great Article!

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