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U.S.A. Privatizes National Forests

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WASHINGTON (CN) - The U.S. Forest Service lets private companies charge people for using undeveloped public lands, in violation of federal law, an Oregon nonprofit claims in Federal Court.

Lead plaintiff BARK claims the Forest Service's grants to concessionaires violates the Federal Lands Recreation Enhancement Act.

BARK has 7,000 members, many of them who live near the Mt. Hood National Forest. "Bark has been extensively involved in the administrative process concerning the challenged decision on the Mt. Hood National Forest covering the transfer of 28 sites (including the Big Eddy day use site and Bagby Hot Springs) to private management, and uses these areas on a regular basis," the complaint states. "Barks' members have been adversely affected by either having to pay new fees at these areas, or by being dissuaded from using them due to the new fees."

Five citizens from Arizona and Colorado joined as plaintiffs, objecting to Uncle Sam's handing out special permits that allow private companies to charge fees for the use of such land.

Under the Federal Lands Recreation Enhancement Act (REA), the federal government is authorized to collect fees at a limited number of recreational sites, so long as the sites have facilities that justify a fee.

The government may charge fees for public lands containing national conservation areas, national volcanic monuments or a visitor center, the complaint states. It also may charge fees if it has substantially invested in the land in the form of parking facilities, restrooms and trash receptacles.

But BARK says the government may not charge for recreational use of undeveloped land. That includes parking, picnicking, boating, horseback riding, using scenic overlooks and driving or walking through undeveloped, undesignated public land.

"The Forest Service issues special use permits to concessionaires that allow them to charge visitors to Forest Service areas managed by the companies even when visitors do not use any facilities or services of the area, but simply wish to enter Forest Service lands to engage in undeveloped recreation," the complaint states.

BARK claims that private companies charge an \$8 parking fee at Rose Canyon Lake in the Coronado National Forest in Arizona, and walk-ups must pay \$1 apiece if they park at within 3 miles, regardless of whether they use any facilities or services.

BARK claims that in Oregon, the Forest Service granted a special-use permit to a private company to charge for use of the Mount Hood National Forest, "including the 'Big Eddy' day-use area, where visitors have traditionally parked to swim in the Clackamas River free of charge."

And, "Under the new special use permit, the concessionaire now charges \$5 per person to soak in Bagby Hot Springs, regardless of how they arrive."

BARK says the Forest Service issued the special use permits without public notice or allowing for comment.

It wants the fees enjoined at Rose Canyon Lake, Second Crossing, Rampart Reservoir, Walton Lake and Big Eddy as violations under the REA.

It also wants the court to declare that imposing new fees for recreation areas through special permits handed out without public notice violates the Administrative Procedures Act.

And it wants all of the special-use permits that allow private companies to charge such fees to be set aside, and the Forest Service ordered to pay back the money it illegally collected.

BARK is represented by Matt Kenna, with Public Interest Environmental Law, of Durango, Colo.

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