

Private operators of Forest Service recreation sites spurs lawsuit

By Jason Blevins *The Denver Post* *The Denver Post*
Posted:

DenverPost.com

A U.S. Forest Service push to privatize management of campgrounds is prompting a backlash from critics who oppose concessionaires charging day-use fees to access federal lands.

The issue is at the center of a lawsuit filed this month in U.S. District Court in Washington, D.C., by several citizens, including Longmont's David Wimert. The suit contends the day-use fees violate the Federal Lands Recreation Enhancement Act, which prohibits the agency from charging for certain access.

"Why do we have to pay to go into public lands? The land belongs to the people, and the people should be able to use the land for free," said 64-year-old Wimert, who began decrying day-access fees when he was charged entrance to pedal into Brainard Lake Recreation Area two years ago.

"Somehow the Forest Service has lost its way. They are no longer caring for the land and serving the people. They are serving themselves," he said.

Across the Forest Service's Rocky Mountain Region, which includes federal lands in Kansas, Nebraska, South Dakota, Wyoming and Colorado, about 60 percent of all campgrounds are managed by concessionaires.

Most of the fee-based campgrounds and recreation areas in Colorado's Forest Service network are managed by private companies, except in the Routt National Forest.

Working with private contractors "really does help expand Forest Service capacity to provide service to the public and our customers," Forest Service spokeswoman Janelle Smith said.

The increasing use of private concessionaires is riling some users just as a national program aimed at boosting private investment in federal recreation sites gains momentum. The Washington D.C.-based American Recreation Coalition soon will unveil a dozen pilot programs — at least one of which is in Colorado — that would forge public-private partnerships allowing for-profit concessionaires to invest in upgrades like on-site storage of boats at marinas and improved facilities at campgrounds.

The plan seeks to mirror the improved development of public lands by ski resorts. It also seeks expansion of the traditional five-year permit for concessionaires managing Forest Service campgrounds and marinas.

"We are trying to broaden the use of public lands," said coalition president Derrick Crandall, pointing to stagnant visitation to Forest Service campgrounds when compared to private campgrounds. "We are looking at ways to bring these worn-out, outmoded facilities up to

levels we expect at ski areas. We really see this initiative as a win-win for everyone."

But not everyone is excited to see the increasing costs of access associated with private enterprise on public lands. In July, fee-fighting citizen groups successfully derailed fees for accessing Mount Evans.

Kitty Benzar, president of the Western Slope No-Fee Coalition, says the growing use of concessionaires has land managers more focused on partner profitability than affordable access to public lands.

"Public-private partnership is code for privatization. It means allowing a private company motivated by profit to come in and operate a publicly owned facility and we all pay to help them make a profit," said Benzar, adding that private company prices for camping tend to run a third higher than Forest Service-run campgrounds.

"The Forest Service is allowed under current federal law to keep all the money they bring in from a campground, so there are no efficiencies gained by contracting a private company," she said.

In Colorado, seven national forests covering 14.5 million acres include 1,268 non-fee sites and 540 fee areas with 469 recreation sites operated by concessionaires. Nationally, half of all Forest Service camping sites — 82 percent of the reservable camping sites available under the National Recreation Reservation Service — are managed by concessionaires. Thirty years ago, the Forest Service primarily operated its own lands.

Concessionaire operations are a big money business. According to the Forest Service, a small campground concession with one to three developed sites can produce revenue ranging from \$50,000 to \$105,000. A larger campground with 10 to 12 sites can generate more than \$1 million in annual revenue.

Total campground concessionaire revenue nationally is estimated at \$35 million.

Charging fees for accessing public lands is relatively new, debuting in 1996, when Congress approved the controversial Recreational Fee Demonstration Program, authorizing the Forest Service to collect fees at some recreational areas.

The program was replaced in 2004 with the Federal Lands Recreation Enhancement Act, which allowed federal land managers to charge an "amenity fee" for access to developed sites but prohibited charging entrance fees for only parking or for people who aren't using improved facilities. The act allowed third parties to charge for goods or services, but again could not demand a fee for people who were simply passing through or parking for a hike or picnic.

The act required land managers to notify and involve the public when developing or changing fees.

The lawsuit argues that the Forest Service's permitted concessionaires charge fees "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 lawsuit also contends that issuing special permits without public involvement to concessionaires who charge fees does not meet the federal requirement for public notice of pricing changes.

In 2009, the Forest Service proposed cutting the camping fee discount for interagency passes like the Golden Age and Senior passes from 50 percent to 10 percent, citing concessionaire concerns over lost revenue. In 2010, the agency scuttled the reduced discount proposal. Still, concessionaires don't have to accept the passes.

Jason Blevins: 303-954-1374, jblevins@denverpost.com or twitter.com/jasontblevins