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SECTIONS

Politics

Forest service drops prosecution of kiddie picnic after Murkowski intervenes

Alex DeMarban | August 15, 2013

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After getting blasted by a U.S. senator for heavy-handedness, the U.S. Forest Service has backed down after one of its cops issued a Southeast Alaska daycare provider a \$350 fine for taking a batch of children to the Tongass National Forest for a picnic.

In what could go down as another example of tyranny in a state that bristles at federal intervention, the officer, Doug Ault, claimed Auntie's Day Care needed a commercial permit for the playtime lunch involving six children.

That's according to Marilyn Mork, the "auntie" and owner of the Wrangell daycare. She said the picnic in June was an impromptu decision when the weather turned out to be sunny, and all she and the kids did was eat at a picnic table, play a bit and sit in a boat tied to a dock for photos.

Several weeks later, Ault showed up at her door on a Sunday and asked if she'd visited the park. After she told him all about the visit with the kids, ranging in ages from 3 to 8, he ticketed her.

As she understood the regulation, she's supposed to have a permit if she's making money on activities at the park. But she wasn't.

"I can understand if I'm a taxi cab giving a tour in the park, but I just took children there to play and learn. It's not like I charged the kids' parents a fee to go there," said Mork, 48 and a grandmother of eight.



After Alaska lawmakers held a summit to voice frustration about the federal government, Sen. Lisa Murkowski intervened to squash a citation leveled at a daycare provider who took a group of children to the Tongass National Forest for a sunny picnic.

Loren Holmes photo

Mork said she occasionally takes her wee charges there. What's wrong with that, she wondered?

Apparently nothing, since the ticket was dropped, something she learned when a Forest Service law officer called her on Thursday and said the ticket was on his desk and going nowhere.

"I'm glad it's over, but at same time, you know what, they need to make specific rules and tell people about them," said Mork, noting that there was no signage in the forest spelling out the rules.

Officer Ault, reached Thursday for this story, said he couldn't comment. Calls to two of his supervisors weren't returned, including one to Brian Romling, special agent in charge for the Forest Service in Alaska, and the officer who dismissed the ticket, according to the office of Sen. Lisa Murkowski.

The citation, and the \$25 processing fee on top of it, was dropped thanks to a timely set of circumstances that involved Murkowski and the nation's top forester, Tom Tidwell.

The two just happened to be touring the 17-million-acre forest together last week, when Murkowski caught wind of the ticket and told Tidwell about it as the two had breakfast in Ketchikan. The [Wrangell Sentinel](#) published a story about the citation. And Murkowski's father, former Gov. Frank Murkowski and a Wrangell resident, made a copy of the citation so the senator could present it to Tidwell.

"When I brought this up with the chief forester, he looked like he'd been hit in the gut. He said this is horrible," Murkowski said.

The Tongass is the largest national forest in the U.S., and is bigger than West Virginia, the nation's 36th-largest state. It surrounds multiple communities and islands as it stretches down the state's panhandle, including Wrangell, population 2,400.



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The image shows a stopwatch with a yellow face and black numbers, indicating time in seconds. The text is in a bold, sans-serif font. The background is white with a purple banner at the top right.

The people in those small Alaska towns are born in the Tongass and live there, right beside the law enforcement officers who are "good people, neighbors, coaches on soccer teams," Murkowski said. "And then you have this stuff that happens, because folks in regional headquarters or in D.C. say you need to pay attention to enforce every aspect of every regulation."

But where is the common sense, she wondered.

"I don't know the officer who wrote the citation, but most people would say if we can't use a picnic table without a permit, this country is really a wreck," she said.

The timing of Murkowski's trip wasn't just fortunate for Mork.

The episode provided a table-set example for Murkowski, who just happened to be on the agenda to speak at the federal overreach summit, [an event held this week and initiated by state lawmakers](#) with grievances against Washington, D.C.

Up for discussion were lightning-rod issues that cut into open wounds in a state that's two-thirds owned by the federal government, from the Environmental Protection Agency's possible pre-emptive shutdown of the Pebble

Mine prospect to regulations and interpretations of rules that delay critical projects.

Gov. Sean Parnell, speaking at the summit and trying to explain the irony of state leaders hammering a bureaucracy that plows billions of dollars into Alaska each year, even went so far as to compare Alaska to a victim of domestic abuse at the hands of a “controlling and manipulative” provider, the federal government.

Murkowski's view of the federal government was nowhere that extreme, but she said her office deals with plenty of examples of Alaskans whose rights are trampled by the feds. For example, she recently heard from the husband and wife owners of a small veterinary clinic in Soldotna who received a letter from the EPA saying air emissions from their small crematory needed to be upgraded at a cost of \$500,000, to the same standards faced by oil field operators on the North Slope.

Murkowski helped resolve that issue too, but such fixes shouldn't require her intervention, she said.

"It shouldn't take an act of Congress to have some common sense," she said.

There are high-profile examples of federal overreach, like [Jim Wilde in the Yukon-Charley Rivers National Preserve](#) and [the John Sturgeon case](#) the state will take up, she said.

"But then you have these everyday occurrences, when you have citations for Auntie's Day Care. It just makes you cringe to think it's your government we're having to defend on this, when their position is so indefensible."

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