



Topic: Culture & Communities Department: Writers on the Range Comments: 0

## Note to concessionaires: You don't own the land

A reminder for private companies that public land use permits don't make them owners.  
Op-Ed - December 12, 2013 by Cindy Cole

I've never liked the fact that Forest Service staffers – chained to their desks -- hire private concessionaires to run some of the day-use recreation areas in our national forests. Ever since the October federal government shutdown, I like it even less -- thanks to one man who revealed what he really thinks of the deal: He claimed that his "Special Use Permit" from the agency turned our public lands into his "private parks."

The man is Warren Meyer, president of Recreation Resource Management, which holds permits to operate campgrounds and day-use sites in Arizona's Coconino National Forest. During the federal shutdown of 1995, his company was allowed to continue its operations on federal land. This time, though, things were different, and Meyer wasn't happy about it.

Though Meyer's concessions in the Red Rock Ranger District in Sedona and Oak Creek Canyon stayed open for eight days of the 17-day closure, he protested to the media that he was running "privately funded operations" and therefore shouldn't have had to close at all. Meyer, a board member, past president and current treasurer of the National Forest Recreation Association, was apparently expressing the opinion of all concessionaires on federal land.

The financial impact of the park closings were felt immediately around Grand Canyon National Park, causing cancelled hotel reservations and a sharp reduction in tourist traffic. In response, Arizona Gov. Jan Brewer struck a deal with the feds, allowing Arizona to pay to reopen the park. That gave Meyer an opening to argue on his website blog that he had a lot in common with the governor.

It was "arbitrary and capricious," he said, for the federal government to allow Arizona and Utah to fund national parks and keep them open, yet not allow him to operate as well: "So why can't private parks on federal lands be reopened through the use of private funding, which is how we operate anyway?"

I have news for Meyer: If he wants to operate a private park, he needs to buy some land on which to run his business. The last time I checked, U.S. Forest Service land was still the property of the federal government and thus the property of every citizen of this country. As long as he chooses to run his business on our land, he will be subject to the same political tides and bureaucratic nightmares as the rest of us -- ridiculous though some of them may be.

Meyer argued on his blog that the shutdown of privately managed sites within national forests was "an unnecessary and vindictive hardship placed on recreators, since our sites don't take

one dime of government money.” That is hardly the case, since the companies operating concessions on public land keep money that would otherwise go to the Forest Service.

Meyer also claims that concessionaires like him “actually make lease payments to the government.” The fees paid by concessionaires for these special use permits, however, are largely mythical, as in practice, any savvy businessman knows legal ways to avoid paying them. Almost always, 100 percent of any fees are offset through write-offs for maintenance and repairs.

What's more, when special use permits are issued to concessionaires, all bets are off when it comes to following the laws that are applied to sites run by the Forest Service. For starters, concessionaires are not required to accept interagency access passes. This is to ensure that they maintain their status as “business opportunities” rather than be mistaken for “providing more of a public service,” according to a Forest Service memo issued March 2007. If they were legally considered to be providing a public service, they would be forced to hire educated federal employees and pay them according to the federal pay scale rather than at minimum wage.

On Oct. 15, Meyer's company, the trade group he steers and two other private concession operators filed a lawsuit against the Forest Service to protest the closings. In their complaint, Meyer and his cohorts asked to reopen their concessions. Two days later, the agency countered with a motion for dismissal as the reopening of the federal government rendered the complaint “moot.” So no court has intervened in this debate over privatizing some of our public lands.

Still, it's probably not the best idea to sue your primary business partner, especially when that partner owns the land you operate your business on.

*Cindy Cole is a contributor to Writers on the Range, a service of High Country News. She is a freelance writer and photographer who makes her home in Sedona, Arizona. Her book, Red Rock Ripoff, is available at [tinyurl.com/buyredrockripoff](http://tinyurl.com/buyredrockripoff).*