

Potential change coming for forest fees

By Dylan J. Darling The Bulletin Published May 11, 2014 at 12:01AM

A pair of recent federal court cases concerning fees for visits to national forestland could lead to higher fees and more concessionaires running day-use sites, warns a critic of the U.S. Forest Service.

In late March, U.S. District Court Judge Rudolph Contreras in Washington, D.C., ruled that concessionaires on contract with the Forest Service aren't subject to the same fee restrictions as the agency itself, and they don't have to honor passes such as the Northwest Forest Pass. Then, early this month, U.S. Senior Judge Terry Hatter in California ruled that the Forest Service couldn't charge parking fees to forest visitors who didn't use restrooms, picnic tables or other developments.

Together, the two court cases have set up a "perfect storm" that could lead the Forest Service to rely more heavily on concessionaires, said Kitty Benzar, president of Western Slope No-Fee Coalition. The group is based in Durango, Colo., and is opposed to fees for visiting public land.

"If they are determined to make people pay for parking they have a clear path to do that now," Benzar said. The path would be having concessionaires rather than the agency itself collect fees at recreation sites.

Whether the results of the two cases will impact fees on the Deschutes National Forest anytime soon is unclear, said Jocelyn Biro, regional developed recreation program manager for the Forest Service's office in Portland. She said there are agency processes in place to prevent concessionaires from increasing fees without review and there could still be more litigation in the parking fee case.

"We have not completely resolved the issue there," she said. The Forest Service could appeal in the parking fee case, which is based on a challenge to the fee system used by four national forests in California.

Benzar's group, along with others involved in the concessionaire lawsuit, also could appeal the ruling in their case.

Fees collected at recreation sites, either by the Forest Service itself or a concessionaire, pay for a variety of services, Biro said. These range from bathroom maintenance to ranger patrols at trailheads.

"Sometimes I don't think people understand the true cost of providing that recreation experience," Biro said. "It doesn't come free."

But fees can be excessive and unnecessary, said Scott Silver, executive director of Wild Wilderness. The Bend-based group advocates for public access to public lands. Silver was a plaintiff in the concessionaire case.

During an August 2012 visit to Walton Lake on the Ochoco National Forest, Silver said he was told by a

Related articles:

U.S. Forest Service sued (<http://www.bendbulletin.com/localstate/environment/1386069-151/us-forest-service-sued>)

A Bend man is part of a lawsuit against the U. S. Forest Service, saying the agency is allowing private companies to charge excessive fees at recreation sites. The complaint — filed this week in district court in Washington, D. C. — uses Walton Lake on the Ochoco National Forest as an example along with sites on other forests elsewhere in Oregon, Arizona and Colorado....

concessionaire that his \$30 annual Northwest Forest Pass wasn't accepted there and he'd have to pay a \$5 day-use fee. He lost his legal objection to the fee.

"Right now the federal-issued passes are worthless and could well be worth less (due to the ruling)," Silver said.

He said he is hopeful that federal lawmakers will adjust the rules guiding the Forest Service and its concessionaires to change the situation.

— *Reporter: 541-617-7812, ddarling@bendbulletin.com*