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## **Showdown over a shakedown: Fight Forest Service's fee authority**

**Miriam Davidson 8 p.m. MST November 14, 2014**



Jeep-tour operators beat out artists for federal land-use permits.

A showdown looms as Congress considers enshrining controversial fees into law.

Forest rangers should stop shaking down birdwatchers and children.

Plein-air art teacher Michael Chesley Johnson loves to take students out to paint the magnificent red rocks of Sedona. But one day last spring, Johnson and three students were working on their canvases when a forest ranger came by and told him he needed a permit to teach painting on federal land.

Johnson didn't think he should have to, but he did try to get the permit. Imagine his surprise when the Red Rocks Ranger District refused to grant him one because all the commercial-use permits had been sold — some for many years in advance — to jeep-tour operators and other high-impact users.

"So, you need a permit — but you can't get one," Johnson wrote in his blog.

Feds charging fees for the use of public land is nothing new, and neither is the fight against the practice. But a showdown is looming now, as Congress contemplates expanding and enshrining these controversial fees into law.

The U.S. Forest Service, representing the American public, has historically overseen the sale or lease of our trees, minerals, grasslands and the like. It collects revenue from various extractive industries and issues permits for high-impact commercial use.

The agency did not routinely charge the public for recreational use of national forest land until 1996, when Congress cut its funding and ordered it to work with private partners to make up the difference.

Under a supposedly temporary "fee demonstration" program, the Forest Service began charging for use of roads, parking areas, picnic tables and restrooms, and requiring "special use" permits for just about anything. Recently, a day-care center in Alaska was told it needed to purchase a permit to take children to a nearby forest.

Going hand-in-glove with recreation fees is an under-the-table privatization process by which facilities are constructed or upgraded with public funds and then "outsourced" to private concessionaires who reap the profits.

After eight controversial years, Congress in 2004 passed a law restricting Forest Service fee authority. Currently, anyone is entitled to enter a national forest without paying a cent, as long as they are not making use of government-provided amenities.

Nevertheless, the Forest Service has largely fought or ignored these restrictions and complied only when forced to do so by federal courts. It did not close the toll booth on the road to Mount Lemmon near Tucson, for example, until 2012.

Now, a new bill, HR 5204, is making its way through Congress. If enacted, rather than reining in the Forest Service, it would broaden and make permanent the agency's fee authority to include any recreational activity anywhere on national forest lands.

The House was set to vote on the law in September when outrage erupted in Montana and northern California over proposed regulations that would require journalists and news photographers to purchase \$1,500 permits when reporting stories on public land. Embarrassed officials quickly backpedaled. They now say news media and recreational photographers will be exempt from having to pay fees or get permits.

Nevertheless, should this law pass as is, situations like that encountered by Johnson and the day care in Alaska will continue. We need to tell Congress now that we do not want forest rangers shaking down and kicking out birdwatchers, artists and children while jeeps and other commercial users run rampant over the landscape.

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