

PRIVATIZATION AND COMMERCIALIZATION OF PUBLIC LANDS

AN ANALYSIS OF THE CORPORATE
TAKEOVER OF PUBLIC LAND

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PUBLIC LAND BY ITS VERY NATURE BELONGS TO ALL AMERICANS.

FOREST SERVICE BUDGET CHANGES

A grave misconception has been perpetuated that the Forest Service is running out of money and therefore fees are a natural result of a need to force those who use public land to pay for its use. This “pay to play” philosophy originated through the lobbying efforts of recreation industry executives who saw a potential to make a lot of money.

“Ask any Forest Service employee, and he or she will tell you that national forests are suffering from a severe budget crunch. Yet the Forest Service’s total budget increased from \$3.2 billion in 1991 to \$5.3 billion in 2001. Where has all that money gone?” An analysis of the Forest Service Budget reveals the “2001 budget was its highest in history. Budgets since then, though slightly smaller are still larger than any prior year. Yet, this increase disguises a massive shift of money and power from national forest managers to fire managers. As shown in the table below, after adjusting for inflation, Research and State & Private Forestry have both done ok in the past two decades. Both the four major items going towards on-the-ground forest management –national forest systems, construction, permanent funds, and trust funds – have all collectively declined by nearly a third. Fire meanwhile, has increased by more than 250%.

Changes in funding from 1980 to 2002
(After adjusting for inflation)

Research	24%
State and Private Forestry	102%
Fire	253%
National Forest Systems 1	-37%
Construction 2	10%
Permanent Funds 3	-31%
Trust Funds 4	-31%
Total NF Management 5	-32%
Payments to States	-30%
Total Forest Service	17%

- 1) National Forest Systems include operating funds for timber, wildlife, recreation, and other national forest and grassland resources.
- 2) Construction was recently changed to also include facilities maintenance, so part of the increase (and part of the National Forest system decrease) represents a transfer of funds. Construction also includes construction for research, state and private forestry, and fire but most is for national forests
- 3) Permanent funds include such things as brush disposal and timber salvage sale funds.
- 4) Trust funds includes such things as Knutson-Vandenberg road maintenance, and reforestation.

- 5) For the purposes of this story, National Forest Management funding is approximately the sum of National Forest Systems, Construction, Permanent Funds, and Trust Funds

Footnote ¹

THE MISSION OF PUBLIC LAND MANAGEMENT HAS CHANGED

Since the founding of our nation access to public land has been our birthright. Public lands are a national treasure that must be supported through our tax dollars. Our lands must be held in public ownership and preserved as a legacy for future generations of Americans. Access to public lands is being denied by corporations quick to profit on budget troubles with public land managers.

Sadly, we have gone through a major shift in the way our public lands are managed. What started out as philosophy to manage our forests as a commodity for the value of the natural resources and timber that could be extracted from the forests has changed and now nature is the commodity and it is being commercialized and marketed to citizens by for profit corporations. The values of conservation and resource protection now take last place to the goal of managing our forest at a profit for the benefit of private corporations.

The Forest Service was established to protect and preserve forests for the public goods. "The national forests were established for the purpose of growing timber to supply the nation's needs, to preserve adequate forest cover, which regulates the flow of streams and prevents erosion, and to make available all of the forest resources in the way that will make them of greatest service. Conservation with use is the keynote in their management. The forests are a valuable public resource to be protected, developed and used in perpetuity for the benefit of all." Footnote ²

USER FEES THE NEW SOLUTION TO BUDGET SHORTFALLS

At the encouragement of professional lobbying organizations including the American Recreation Coalition, Forest Service leadership began to feel that the only solution available to the budget shortfalls in the recreation budget line item was to begin to charge citizens fees to use their public land. These fees would come from two different avenues. The first of these was the Fee demonstration program, which was later, replaced by Recreation Access Tax. In this business model fees are paid directly to the Forest Service. In the second avenue of fees, private companies would operate public facilities and fees would be paid directly to the private companies. In effect these private companies become the de-facto owners of the land and operate these facilities with the profit motive as the guiding principal.

FEE DEMONSTRATION PROGRAM TO RECREATION ACCESS TAX

During 1996 Congress enacted a program called the Recreation Fee Demonstration Program. This legislation was attached, as a rider to must pass legislation by a congressman named Ralph Regula worked closely with the American Recreation Coalition. Ohio Representative Regula perpetuated the burgeoning Libertarian vision of an "ownership society" where everything carries a

¹ Newsletter Article "Subsidies Anonymous" by Randal O'Toole in the summer 2003 issue of *Forest Voice* a publication of the Native Forest Council

² United States Department of Agriculture Routh National Forest Colorado Map 1933

price tag and citizenship itself confers no rights. footnote ³ In this vision of society, government becomes a fees for services society where everything comes at a price. With the passage of the Fee Demonstration Program the Forest Service signed a memorandum of understanding with the American Recreation Coalition making it the official “Challenge Cost Share” partner for this legislation. This legislation was never debated on the floor of Congress and was renewed three times as riders to must pass appropriations bills. This legislation was replace with the Federal Lands Recreation Enhancement Act affectionately called the RAT tax, which has no sunset. The RAT tax was also passed as a rider along with must pass legislation also by Ralph Regula as one of his last acts as the powerful chairman of the appropriations committee.

The Fee Demonstration program was extremely unpopular particularly for those who were frequent users of public land including hikers, fishermen, campers, birdwatchers and others. Legislation was introduced several times to oppose fee-demo but each time Congressman Regula slipped the legislation in as a rider. A number of protests occurred in national forests.



Forest Fee Protesters 1

The Fee Demonstration program took several variations depending on the part of the country. In the Northwest it was the Northwest Adventure pass required for all trips into the forest. California had the adventure pass and here in Colorado fees demo was active in places such as Canyon Creek outside of Ouray, Mount Evans west of Denver, Vail Pass and other locations.

During the waning hours of 2005 Congressman Regula introduced a rider into the Omnibus Appropriations bill that brought about the replacement of the Fee-Demonstration program with the Recreation Enhancement Act commonly referred to as the Recreation Access Tax or RAT tax. Again, this legislation was never debated on the floor of the House or received any input from citizens. While this legislation has no sunset it does limit the situations in which the Forest Service can charge fees. These amenities must all be present and they include: developed parking, permanent toilet, permanent trash receptacle, interpretive sign, picnic tables and security services. The Forest Service immediately ignored these restrictions and came up with what they call high impact areas and they continued charging fees as usual without a legislative leg to stand on.

Nowhere in Colorado have these fees become more contentious than Mount Evans. The Mount Evans highway is a de-facto toll road on a state highway operated as a fee area by the Forest Service. Through a memorandum of understanding with the State highway commission the Forest Service continues to ignore the obvious contradictions in their oversight of this region. The Western Slope

³ Article: Status Updates on the Evolving Issue of Recreation User-Fees. Wild Wilderness Web site - <http://www.wildwilderness.org/docs/updates.htm>

No-Fee Coalition issued a press release this spring where coalition president Robert Funkhouser said: “The Forest Service does not have any authority to require a pass to travel on a state highway, whether they charge for it or not. They are going to a lot of trouble to intentionally obscure who can be charged and who cannot. They are fooling the public into paying a fee that they don’t have to. It’s unconscionable.” Funkhouser’s position is based on the Federal Land Recreation Enhancement Act, which states that the FS can’t charge a fee “solely for parking, undesignated parking, or picnicking along roads or trailsides...or general access...for dispersed areas with low or no investment,” or “for use of overlooks or scenic pullouts.” He also noted that Colorado state law prohibits charging a fee for driving on state roadways, making the Mount Evans fee doubly illegal. “Those few visitors savvy enough to know their legal rights can explain to the fee collector that they do not plan to use any facilities and obtain a free waiver,” Funkhouser explained, “allowing them to travel the highway as long as they don’t stop anywhere. Rangers on the mountain are then alerted to watch their activities and make sure they comply. No information about waivers is posted, and they are only available on request.” Footnote ⁴

WELCOME TO MOUNT EVANS	
RECREATION AMENITY FEES	
VEHICLE PASS (3 DAYS)	
1-12 OCCUPANTS	\$10.00 PER VEHICLE
13-40 OCCUPANTS	\$25.00 PER VEHICLE
40+ OCCUPANTS	\$40.00 PER VEHICLE
PERSONAL PASS (3 DAYS)	
MOTORCYCLES, BICYCLES, AND HIKERS	
	\$3.00 PER PERSON
SEASON PASS	\$25.00
FEDERAL RECREATION PASSPORT HOLDERS	NO CHARGE

Mount Evans Fees 2007 1

CONCESSIONAIRES OPERATING PUBLIC LANDS AS THEIR OWN

The Forest Service concedes out campgrounds and recreation facilities so it does not have to manage them and use congressionally appropriated dollars to take care of the facility. Concessionaires are given free reign with the blessing of the Forest Service to operate campgrounds, picnic grounds, recreation areas, parking lots, scenic pullouts, lakes and canyons at a profit. We have numerous examples here in Colorado. “Another strategy is to encourage an expanding role for the private sector in delivering services in national forest settings. Use of concessionaires is a key tool for providing quality service with declining work forces and capital resources. In addition to providing benefits and services to our customers, concessionaires also directly contribute to ecosystem protection and enhancement while promoting economic strength and stability in the communities we

⁴ Press Release from the Western Slope No-Fee Coalition – June 1, 2007

serve.” footnote ⁵ The Forest Service washes their hands of the responsibility for the management of these public facilities and instead cedes all responsibility to the concessionaire.

CONCESSIONAIRES OPERATE MORE THAN CAMPGROUNDS

In Colorado private concessionaires operate virtually all Forest Service campgrounds. In the Colorado Springs area concessionaires also have control over large acreages classified as recreation areas. This would include locations such as all of Eleven-Mile Canyon, most of Rampart Reservoir, numerous trailheads that grant access to the Lost Creek Wilderness Area, Manitou Lake north of Woodland Park and others. In all of these situations access to public land is granted only to those willing to pay the private company.

CONCESSIONAIRES PAY THEMSELVES TO MAINTAIN RECREATION SITES

In exchange for the authority to manage these facilities the concessionaires theoretically return 15% of their profit to the Forest Service to cover maintenance at the facility they operate. Concessionaires also have the ability instead of paying the Forest Service to do the maintenance they can pay them-selves to do the work. In effect all funds paid to private concessionaires go to the private companies and no money goes back to the Forest Service. No concessionaire worth their salt is going to pay any money to the Forest Service, not when they can pay themselves. This 15% of profits theoretically should take care of all maintenance needs at the operated facilities. Sadly this is done with little oversight or supervision and maintenance continues to go undone.

Concessionaires have the ability to close campgrounds early because they are unprofitable to operate. “Three major campgrounds east of Aspen closed right after Labor Day weekend even though September is one of the most scenic times of the year. Difficult campground, the largest and closest to town, remains open until September 25th. A concessionaire, One Thousand Trails, operates all four of those sites The White River National Forest hired the national company five years ago to administer several of its campgrounds. “Clearly when we run things through a concessionaire now it’s run as a business,” said White River Forest Supervisor Maribeth Gustafson.” footnote ⁶

RECREATION SITE FACILITIES MASTER PLANNING

POLICY TO CLOSE RECREATION SITES THAT ARE NOT PROFITABLE

Beginning in 2002 the Forest Service began implementing a policy to impose for-profit models on recreation in Americas National Forests. This policy is called Recreation Site Facility Master Planning. Recreation sites that do not meet these profit motive criteria will be closed and decommissioned. Many of these are dispersed undeveloped remote sites favored by citizens who wish to escape the hustle and bustle of modern life. The Recreation Site Facility Master Plan mandates that all recreation sites become profitable and have a market niche. “One Forest Service

⁵ Letter to Regional Foresters from Mike Dombeck - Chief Forester – February 25, 1997

⁶ Campers have fewer places to pitch tents by Scott Condon Pitkin County Correspondent for the Summit Daily News – September 16, 2005

Recreation Manager summed up the new semi-for-profit recreation program best: “We are being told that our developed sites must pay for themselves or we are going to get rid if them.” footnote ⁷

It would seem reasonable that during a time when the United States population increases and interest in the great outdoors has never been higher we would be building more recreation facilities on public land just to keep up with the population growth. The model seems to be to reduce the number of facilities and crowd folks into a limited number of facilities designed to increase the profit margin of concessionaires.

Between Colorado Springs and Gunnison a number of recreation sites have already been closed. On Wilkerson Pass there used to be a campground below the summit on the east side nestled in the Aspen trees. It was a small site that now you can’t even find. On Monarch Pass two campgrounds have been closed, one on the east side not far above the town of Garfield and one on the west side near the bottom of the pass. Both of these campgrounds have the outhouses removed, fire grates taken out and the roads left to grow over. On the campground on the east side the bridge was removed prohibiting access to the site. One can only conclude these sites were too small for a concessionaire to operate at a profit.

ALMONT CAMPGROUND – GUNNISON NATIONAL FOREST

- GUNNISON COLORADO -

POSTER CHILD FOR CONCESSIONAIRES OPERATED CAMPGROUNDS

During July of this year I spent a night in Almont Campground operated by Recreation Resources Management of America. I spent ten dollars to spend the night here and felt like I was robbed. The campground was filthy; it was in disrepair and obviously it was on no one’s radar. The Forest Service who built the campground had washed their hands and the concessionaire paid little attention thereby reducing operating expenses and increasing profits. The campground has been in existence since before 1949 the oldest map I have of the Gunnison National Forest. Because my ten-dollar fee was largely for maintenance I wondered what happened. It would appear that what is touted by the company is a long way from what was delivered.

⁷ Western Slope No-Fee Coalition report: Recreation Site Facility Master Planning - August 29, 2006.



Almont Campground fire grate as maintained by Recreation Resource Management 1



Almont Campground in disrepair 1

CONCESSIONAIRE – RECREATION RESOURCE MANAGEMENT OF AMERICA

Warren Meyer who owns Recreation Resource Management of America has a couple of web sites one is called the Coyote blog <http://www.coyoteblog.com/> and a web site for the company where he justifies charging fees for public lands and explains what fees cover. <http://www.camprrm.com/FAQ.htm> **“Where does my money I pay for camping fees go?”** The vast majority of your fee goes to pay operating expenses at that site, including cleaning, maintenance, safety patrols, etc. A large portion also goes to the government in fees. Because of efficiencies in private vs. government operation, these fees we pay are typically higher than the what the

government was making running the facility on its own. By law, at least on US Forest Service lands, the fees we pay to the government stay in the local forest and are used for improvement and new construction.” footnote ⁸ Almont campground has seen no improvements and minimal maintenance. If a large portion of fees go back to the Forest Service what happened? 15% after profits should be plowed back into the facility here, it is not happening.

For grins I took a look at expenses to operate the Almont Campground and compared that to estimated revenue. If the campground is ½ full during the week and completely full on the weekends then they could roughly bring in four to five hundred dollars a month. If the outhouse is cleaned every three days from the log in the bathroom that might take an hour to clean both of them labor might be \$200 a month to be generous, add in the cost of the toilet paper 15 rolls a month from the log in the outhouse trash removal once a month let’s say \$50 a month and pump out the outhouse once a season for \$100 it’s definitely a money maker. One of the principals of modern business is to reduce expenses to increase profits and this place definitely follows that school of thought.

Warren Meyer says “Frequent readers of this site may know that my day job is running a [company that manages recreation sites under concession contract to a number of public landowners](#), including the US Forest Service. I take a lot of pride in this job, as our company helps keep recreation facilities open that the government might not have the personnel or the skills or the money to run. The Forest Service's budget gets cut about every year, such that tax money comes nowhere near covering the cost of managing recreation sites. Of late, the Forest Service has begun looking to actually [close some recreation facilities](#): The cash-strapped U.S. Forest Service can no longer afford to maintain many of its parks and has started ranking recreational sites, including campgrounds and trail heads, for possible closure. Supporters of public lands generally hate the onset of fee-based recreation, and wish it was still possible for all public recreation facilities to be free. This was a realistic goal back when recreation facilities were cheap to run, but today campgrounds and other such facilities can be tremendously expensive (a single large campground might cost as much as a half million a year to operate), in large part due to actions by the same people who support free use of public lands. Some examples: 50 years ago, campgrounds labor was essentially free because it could be staffed with volunteers. With current labor laws, this is no longer possible (even if people still want to volunteer), and a large campground can require hundreds of thousands of dollars of labor to maintain each year, even at minimum wage. 50 years ago, people in the outdoors just drank water from a stream or out of the hand pump. Today, in certain complexes, we spend tens of thousands of dollars keeping water systems in compliance with complex state laws. 50 years ago, if someone tripped over a root in the forest or twisted their ankle on a rock, they accepted that as a normal risk of being out in nature. Today, everyone calls their lawyer. Each year, campground visitors file millions of dollars of lawsuits for accidents once thought to be normal hazards of nature. 50 years ago, active timber sales in the forest helped fund recreation programs. Today, timber sales in many forests are at an all time low, due in large part to opposition by nature lovers”⁹

In response:

1. Fifty years ago Forest Service Staff operated free campgrounds. “Fifty four recreation areas have been provided within the Rio Grand National Forest for the convenience and use of visitors. Most of these areas are conveniently located along the main-traveled

⁸ <http://www.camprrm.com/FAQ.htm> web site for Recreation Resource Management of America Frequently Asked Questions: “**Where does my money I pay for camping fees go?**”

⁹ http://www.coyoteblog.com/coyote_blog/2005/04/forest_service_.html Warren Meyer comments on his coyote blog web site discussing why his company runs Forest Service Campgrounds.

roads, and most of them are equipped with water and garbage facilities, fire grates, tables and toilets. Many are fenced against livestock. There is no charge for the use of these recreation areas; however, all visitors are requested to obey the fire prevention rules that are on the back of this folder and to leave a clean camp” footnote ¹⁰ Volunteer campground hosts did not appear on the scene until the late 1970’s to early 1980’s. Forest Service Campgrounds began charging fees during the late 1970’s. At the same time they began reducing services while charging nominal fees usually one or two dollars a night.

2. Many campgrounds still have hand pump water systems. Other campgrounds do not provide water at all.
3. Does everyone really call his or her lawyer? I would like to see the documentation on these millions of dollars in lawsuits. Are these suits against the Forest Service or Recreation Resource Management of America?
4. Timber sales are a separate section of the Forest Service budget and even more extractive logging practices are occurring now than in the past.



Water Pump in Almont Campground 1

¹⁰ Rio Grande National Forest Map 1951

SO WHAT IS THE POINT

Recreation on public land should be adequately funded with taxpayer dollars. Fee collection by the Forest Service should cease. Because this is outside their mission and purpose they have taken their focus off what they should be doing. Fee collection by private companies should cease. It is clear they are motivated by profit and stewardship of our resources is a secondary priority. The Forest Service should operate Forest Service campgrounds and recreation facilities for free. The Forest Service should build more facilities to better serve the people as our population increases. Fighting wild land fires should be funded separately from the Forest Service operating budget. This will keep this budget item from sucking resources away from the rest of the Forest Service. The Forest Service should return to its primary purpose and mission, which is public servants taking care of a public resource.