LIKE a lion in the African Savannah, a landowner crouched and ready to pounce on a gazelle, there are private companies seizing every opportunity to devour public lands. They don’t want to own them—they just want to control them. And the United States Forest Service is letting them do just that more and more.

The idea that our natural lands should be protected and preserved was first legislated in 1891 as part of the Forest Reserve Act. In order to protect our forested lands from overuse and destruction, the President of the United States was given the power to set aside areas of land as reserves. Those reserves grew in number over the years and eventually became our National Parks, National Forests, and other public lands. John Muir, who was instrumental in getting this law passed and is considered one of the fathers of the modern conservation movement, said “Thousands of tired, nerve-shaken, overcivilized people are beginning to find out that going to the mountains is going home; that wilderness is a necessity.” Over 100 years ago, John Muir argued that these public lands should be protected from industrial interests and accessible to anyone who sought to experience the natural world first hand.

Today there is a disturbing trend in the administration of our federally protected public lands. That trend is toward greater and greater private management and extensive application of use fees. Recreational use of public lands is no longer an amenity we get for paying our taxes. Our federally owned parks, forests, and wilderness areas have become a commodity to be exploited by private companies for profit without regard for public benefit. In 1948 Aldo Leopold wrote “We abuse land because we regard it as a commodity belonging to us. When we see land as a community to which we belong, we may begin to use it with love and respect.” The sense of stewardship is getting lost as these lands become a financial resource for private corporations.

The Recreational Fee Demonstration Program was passed by Congress in 1996. This new law gave the USFS authority to require fees for use of forest lands for the first time—and the Red Rock Pass program was born in Sedona. That meant that anyone who parked on forest lands in the Red Rock Ranger District to go hiking or engage in any other recreational activity would have to pay a fee. This new program was controversial and raised questions throughout the national public lands system.

In 2004, the Federal Lands Recreation Enhancement Act was passed. Its intent was to repeal the less restrictive Fee Demo Program and specify uses for which a fee could not be charged. In a press release issued at the time, the legislation’s House sponsor Representative Ralph Regula (R-Ohio) said that FLREA “would limit the recreation fee authorization on the land management agencies. No fees may be charged for the following: solely for parking, picnicking, horsetack riding through, general access, dispersed areas with low or no investments, for persons passing through an area, camping at undeveloped sites, overlooks, public roads or highways, private roads, hunting, fishing, and official business. Additionally, no entrance fees will be charged for any recreational activities on BLM, USFS, or BOR lands.”

Earlier legislation that governed user fees on federal land was initially worded in a way that prohibited all fees and made certain specific exemptions to allow fees. More recent law has turned to a system of allowing wider fees and making a list of activities where fees are not permitted. This policy reversal has resulted in an explosion of user fees on federal lands. Once user fee systems were in place, the door was opened wide for the expansion of private management.

When our National Forests are turned over to private corporations to run, they become business wares that are expected to turn a profit. As more and more sites are taken over by private concessionaires, recreation fees have steadily increased. In Sedona, Recreation Resource Management has a Special Use Permit that allows them to administer, and profit from, all of the campgrounds in the Red Rock Ranger District as well as the three most visited Day Use Areas. —Crescent Moon Ranch, Call of the Canyon (West Fork), and Grasshopper Point.

What’s more — when Special Use Permits are issued to concessionaires, all bets are off when it comes to following the federal laws that would be applicable at a USFS run site.

For starters, concessionaires are not required to accept interagency access passes such as the Golden Age and Golden Access passes that were available for senior and disabled federal lands visitors until 2007. In 2007, these passes were replaced with the America the Beautiful Pass (though existing passes are still honored). According to FLREA this pass “shall cover the entrance fee and standard amenity recreation fee for all federal recreational lands and waters for which an entrance fee or a standard amenity recreation fee is charged.”

However, the prospectus issued by the USFS to solicit bids for concessionaire special use permitting in the Red Rock Ranger District in May 2010 states “there is no requirement for concessionaires to honor any passes for Standard Amenity Recreation Fee day-use sites.” This policy of allowing private companies to refuse to accept federal passes at the fee sites they manage 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 USFS memo issued in March 2007.

The Payson Ranger District of the Tonto National Forest has just issued a prospectus calling for bids from private corporations to expand fees and increase the number of sites managed by concessionaires. Tonto is already a fee burdened area. Visitors who purchase the Interagency America the Beautiful Pass, which currently costs $80 per year, need to pay an additional $15 per year to obtain a “Tonto Pass” for access to sites on that forest.

Payson’s concessionaire prospectus would allow multiple new fee sites to be developed by the successful bidder. These sites would not be required to have the minimum amenities required by FLREA or be subject to the public process otherwise mandated in that law. They will not be reviewed by the Recreation Resource Advisory Committee, a citizen’s advisory board. They would also be permitted to charge fees for activities where fees are otherwise prohibited by law, such...
The USFS is not at all clear on how much of that money actually stayed in Sedona and was used for public benefit.

Private management of public lands also raises the issue of operating costs. Sites managed by the USFS would require employees to be paid according to the federal wage scale, which is standardized throughout the Federal Government. In exchange, the public receives the presence of a dedicated, trained, educated, and perhaps career-oriented Federal Employee who takes pride in his/her position and joined the USFS to honor a sense of stewardship and responsibility to protect public lands. These Federal Employees are trained to interact with visitors and provide local and historical information to interested guests. Concessionaire employees are promised by law only minimum wage and perhaps do not experience the same sense of accountability and conscience that a Federal Employee might have. Interactions with RRM employees at the Crescent Moon Ranch area rarely go beyond the exchange of money for the entry fee and reporting dirty restrooms.

As mentioned earlier, in a memo dated March 1, 2007 and addressed to regional and area foresters, James S. Bedwell, then USFS Director of Recreation and Heritage Resources, discussed the issue of standard amenity fee sites managed by concessionaires. He wrote that forest policies:

“Do not require existing concessionaires operating sites that qualify for charging a standard amenity fee under FREA (primarily day use sites) to give free use to holders of the annual Interagency Pass. Additionally, do not require these concessionaires to give a discount to holders of other passes for day use. The agency’s current policy for a 50% discount only applies to camping. Requiring these concessionaires to provide free use or discounted day use is not consistent with the terms of their permit and corresponding prospectus.

In addition, requiring these concessionaires to provide free use could prevent their concessions from qualifying for the Service Contract Act exemption from the higher wage rates imposed under the SCA. The United States Department of Labor could view these concessions as providing more of a public benefit than a business opportunity and therefore could determine that they do not qualify for the exemption. Not qualifying for the SCA exemption could make some of these concessions unprofitable.”

Through the increased privatization of federal lands, private corporations are being allowed to set public policy. Organizations like the National Forest Recreation Association, whose President, Warren Meyer, is also the President and CFO of RRM, lobby in Washington to further their grasp on our public lands. Special Use Permits are granted and federal laws are rewritten to provide easy input from the American people. It’s time for the tax-paying public to stand up and take back our legacy. This land is our land.

At the time of this writing, the Sedona City Council is poised to hold a meeting on May 24 where the Red Rock Ranger District will have its first opportunity to publicly present plans to revise the Red Rock Ranger District. The stage will also be set to determine who really runs our public lands here in Sedona.

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