

McClintock blasts U.S. Forest Service for "abusive," "predatory" fees

SPECIAL TO THE UNION,

Congressman Tom McClintock made the following statement to the Regional U.S. Forest Service Management Roundtable hosted by Congressman Wally Herger in Sacramento on Wednesday, August 25:

There are four general subjects that my constituents have brought to my attention that I feel are important to raise in this forum.

First, some of the most disturbing stories I have heard locally involve the abuse of cost recovery fees by the Forest Service. This has been a source of great frustration and evinces an attitude within the Service that I believe requires immediate correction.

For example, the California Endurance Riders Association had been using the El Dorado National Forest for many years. This time, when they sought a simple 5-year 10-event permit to continue doing exactly what they have been doing without incident for decades, the Forest Service demanded \$11,000 in fees.

They paid these fees, but the El Dorado National Forest management nevertheless pulled the approved permit and halted the process on utterly specious grounds. It then demanded an additional \$17,000 fee, causing the Endurance Riders Association to cancel what had been a long-term civic tradition that had been a boon to the local economy. In 2010 this outrage was repeated after the group spent \$5,800 for the "Fool's Gold Endurance Run" that had been an ongoing event for more than 40 years.

The Polka Dots Motorcycle Club tells a similar story of excessive Forest Service fees that forced them to cancel a ride they have sponsored for four decades. Likewise, the Gold Country Endurance Riders, an equestrian group, had to cancel an event they had been holding since 1993 because of a prohibitive increase in the permit fees.

I seriously question the authority of the Forest Service to exact these fees at all, since federal guidelines do not require them if the surveys or research are done in the "public good." Moreover, it is clear the Forest Service was not dealing in good faith with these groups and that it should refund these fees in full and restore to them the full access to our public lands that they have been accorded for many years.

Second, the Forest Service is charging exorbitant Cabin User Fees to families that have had long-term possession of mountain cabins, based on peak market prices from 2007 and 2008. These inflated prices are many times the actual market price in this distressed economy, forcing many of these families to abandon cabins that they have had for decades and even generations.

Third, my office has been approached by several families that have had long-established grazing permits dating as far back as 1931, who are now seeing conditions placed on their use that are simply ludicrous.

For example, the Leavell Family has grazed cattle in the Tahoe National Forest since 1931 and by all accounts has been an excellent and responsible steward of the land. The incidents of harassment that they have encountered from the Forest Service have been unconscionable.

With absolutely no warning, the Forest Service presented them with a letter declaring that they were in non-compliance because of cattle that occasionally stray off the land. Yet in the past, federal regulations have prohibited them from building fences to prevent that very problem. The Forest Service recently charged that the cattle were damaging Aspen stands - allegations that further inspection proved to be groundless. Having failed to make its case on these grounds, the Forest Service then ordered the Leavells to remove cabins they have maintained and paid property taxes on for 79 years.

Also without warning, the Forest Service told the Coughlin family that it was cancelling their long-standing grazing permit because of a lack of sufficient feed as determined by a Forest Service biologist. A subsequent field trip utterly disproved the biologist's opinion - so the Forest Service next informed them that their permit is still in jeopardy because of the same wandering cows that it used as pretense in the Leavell's case.

Finally - and most importantly, since this affects the safety of entire communities in my district - I remain concerned over the demonstrated disinterest that the Forest Service has recently demonstrated in supporting sustainable timber harvests. The expensive and labor-intensive process of twig removal cannot achieve fuel reductions that reduce the risk and intensity of forest fires. We must restore responsible and sustainable thinning of over populated forests called for in the Herger-Feinstein Quincy Library Group Forest Restoration Act of 1998, and which the U.S. Forest Service is now thwarting in our region.

For generations, the U.S. Forest Service maintained a balanced approach to the management of our forests that assured both healthy forests and a healthy economy. Now, it seems to be following a very different policy of exclusion, expulsion and benign neglect of our forests.

My office has brought these concerns and complaints of arbitrary and capricious conduct to the Forest Service's attention without a satisfactory resolution.

Practiced in the marketplace, we would renounce these tactics as predatory and abusive. In the public service sector, they are intolerable.

Combined, these actions evince an ideologically driven hostility to the public's use of the public's land - and a clear intention to deny the public the responsible and sustainable use of that land.

If the Forest Service fails to reverse these policies - and the attitude that has produced them - I intend to use my position on the National Parks, Forests and Public Lands subcommittee of the House Natural Resources Committee to press for extensive hearings during the next session of Congress into the economic damage these actions have caused.