

NATIONAL FOREST HOMEOWNERS BRIEF HISTORY

"Cabins in the woods" on lands now managed by the U. S. Forest Service pre-date the founding of the Forest Service many years. People often went into 'the woods' and built little fishing or hunting huts and cabins, or summer homes; the earliest for which we have a record were in the early 1870s.

In 1891 Congress authorized the President to establish forest reserves (now called national forests), and President Harrison created the first one that same year. This Act locked up the forest lands and made no provision for their use or protection. So the Organic Act of 1897 made it possible to protect all the resources of federal lands, and to permit use of those resources. A number of cabins were permitted and built between 1903 and 1908, but because only one-year permits were given without any certainty of renewal or extension, making the investment a risky one, it was not a popular use. A few of those cabins still exist, and some of the owners are members of National Forest Homeowners (NFH).

On March 4, 1915, Congress passed the Act allowing permits to be issued for more than one year, and/or renewable indefinitely, which gave many people the basis for calling them "99-year leases." By then the Forest Service (FS) had millions of acres of land under management in the West and very few 'public' users, and were being contrasted unfavorably with the Park Service, who had many users. So tracts of land, usually on or near lakes and streams, were surveyed and platted with lots marked for family cabins. Newspapers in nearby large cities were used to advertise their availability, at a cost ranging from \$10 to \$25 per year, trying to coax folks to build and enjoy the forest as a vacation destination. Some of our members' families built their cabins in 1916-20. During the 1920s Congress passed an Act authorizing 25% of FS permit fees to go back to the county of origin, and the balance goes into the Federal Treasury.

This particular form of recreation remains a "valid use" of the national forests by FS regulation, providing a forest experience for entire families and their friends, especially very small children, the elderly and the physically handicapped.

Following World War II, people dramatically increased their use of the national parks and forests for recreation, which spawned a new industry: businesses on the forests serving the public. In 1948 a group of businesses who held permits from the FS to provide the public with recreation services established the National Forest Recreation Association (NFRA). As commercial recreation uses of the forests increased, NFRA developed an internal organization to better service these enterprises. Over the years divisions were established for skiing (winter sports), resorts and camps, outfitters and packers and guides, river rafters, and campground concessionaires.

In 1962 the NFRA board of directors invited summer home owners to join them by creating a new division, called the Homeowners Division (HD). While no records exist from the 1960s, empirical evidence suggests moderate interest. Several factors influenced this interest: In 1955 Congress had directed the FS to obtain fees for use of federal land based on the fair market value of the land. A July 1956 Act amended the 1915 Act to provide authority for a maximum 30-year permit term. But the FS Washington Office (WO) had not given any direction to the individual forest supervisors about carrying out these changes, and local decisions negatively impacted many summer home owners.

As a result of the HD members' work, in 1969 FS Chief Cliff appeared before a congressional hearing to answer the concerns of summer home owners about the lack of term permits being issued. He announced a compromise with these permittees: in exchange for 20-year permits, the FS would begin a system of appraisals every five years to establish lot values, and the annual fee would be 5% of that value. The recognition of the many restrictions was thus provided for by the lower than 'market' lease fee of 5%, though the origin of the 5% use in federal 'rental fees' goes back into the late 1800s.

The mid-1970s produced a flurry of congressional activity dealing with the management of federal lands and resources. The National Environmental Policy Act (NEPA) and the National Forest Management Act (NFMA) of 1976 directly affected the way the FS managed both public and private uses of the national forests. At the 1978 NFRA annual convention in Tucson a joint resolution with the Forest Service established a joint Long Range Planning Committee (LRPC).

The LRPC's purpose was the coming together of the leaders of the NFRA commercial divisions and the leaders of the FS Washington Office. Meeting two or three times a year, the group would discuss proposed policies as well as policies already in place. FS personnel heard suggestions for modifying upcoming policies by those most directly effected, and feedback on how existing policies were working. With the large number of permit holders represented, the HD was granted two seats on the LRPC a couple of years after its inception. Especially during the early years of National Environmental Policy Act (NEPA) and National Forest Management Act (NFMA) -driven FS policies, being included on the LRPC was extremely important.

1977 marks the beginning of real activity for the HD. Bill Worden from Southern California was elected NFRA Vice-President representing the HD. Don Coons, an Oregon permittee who organized their state group in 1975, served as NFRA President 1979-81, the only Homeowner to hold that office.

Ed Thomas of Sacramento, CA, was elected NFRA Vice-President for the HD in 1981. He presented the NFRA board several requests. The HD needed to provide for its own growth, operation and governance. At the 1981 convention the bylaws were amended: "Within the structure of NFRA, the Homeowners Division may elect a Homeowners Board of Directors to govern, manage, and be responsible for the affairs of, and to represent homeowner members." Membership then stood at 3,100, and we were in the midst of negotiations with the FS on the new policy, as well as appraisal problems which were led primarily by Joan and Phil Oakes of Sacramento. During that first year we operated on a budget of \$1,000: NFRA sent us the \$1,000, and we expended \$949.61!

At the NFRA meeting in Las Vegas in 1982, we have the first minutes of meetings held by the Homeowners Division, including the first time the HD adopted its own budget. And at that convention NFRA decided to hold two conventions in 1983, trying a March/April meeting time frame as possibly better for their members.

The November 1983 convention at Lake Tahoe was the last held in the fall. Bob Ervin was elected Vice-President for HD. The fee issue had not been resolved, with an even greater disparity between HD recommendations and the position take by the FS. Given the lack of cooperation and understanding by the FS on the policy revisions we were suggesting, we found congressional support to defer future fee increases until the FS negotiated in good faith with us. Senator McClure (R-ID) was convinced by the homeowners to support our position and protect

his constituent summer home owners at Priest Lake, ID. He sponsored a bill that was signed just before the convention, precluding the FS from increasing summer home permit fees until the entire policy matter, including fees, was settled.

The next several years saw some organizational changes in the HD, including doing their own news insert in the NFRA Newsletters. Merle Lowden, of Diamond Lake, OR gathered and edited material and sent it to the NFRA editor. HD started billing and collecting dues from its members itself. At the 1985 convention in San Diego, FS Chief Max Peterson met with the leadership of the HD and proposed a committee made up of FS and HD personnel be formed under his auspices to work on the policy/fee issue. Five HD and three FS members started meeting that year in Washington, D.C., called "the Chief's Committee."

At the 1986 convention, Bill Worden (Southern CA) was elected President of the HD (corresponding to Vice-President of NFRA). Administrator/Treasurer John Rohde of Central California reported 4,282 members, disbursements for the year of \$34,507, and the 1986-7 budget \$42,775. Kent Delana (ID) presented a new organizational plan for the Division, providing even more independence from NFRA, its primary purpose being to allow the Division to continue to grow and better service its members.

During the following year, the Homeowners Division renamed itself the National Forest Homeowners (NFH). An active executive committee worked on by-laws and procedures, and past NFRA Vice-President for the HD, Bob Ervin, was hired as a fulltime executive for NFH with the title of National Director. Extensive work was accomplished on the new policy through the Chief's Committee. A mailing was sent to all 15,782 permittees with a response form (another first!) for them to send to the FS in Washington, D.C., with their thoughts on the proposed policy.

FS Chief Peterson retired in 1987 and Associate Chief Dale Robertson was appointed Chief. Fortunately, he was and still is a friend of cabin owners, and continued the work of the policy committee, the FS group being led by another friend of permittees, Ken Myers, Assistant Director Lands. NFH expenses for the 1987-8 year were \$69,790.

The March 1988 meeting in Reno, NV, re-elected Bill Worden NFH President, Phil Janz (OR) its first Vice-President, and John Rohde Treasurer. By-laws were adopted establishing a 30-member board, each member serving for three years. In August the Recreation Residence Policy was finally published in the Federal Register, establishing many new rights and benefits for cabin owners. NFH sponsored a total of 25 workshop-seminars across the West to familiarize all permittees/members with the new regulations. (Somewhere along the way in the negotiations we had changed from 'summer home owners' to 'recreation residence permit holders'.) As a final action of this important year, NFH published its own newsletter. Our enthusiasm was a bit dampened when a last minute appeal of the new policy was made by some retired former FS employees, and 1989 started poorly when Assistant Agriculture Secretary Dunlop issued his ruling upholding several contentions of the appellants, and told the FS to go back to the drawing board on these issues. At the convention two months later, activity in NFH increased: a Washington lobbyist, Scotch Pankonin, was hired, and an attorney retained to help in the apparent legal fight going on over the policy.

Based on our organizational success, NFRA passed new bylaws at the 1990 convention, eliminating all the commercial divisions and establishing just two divisions: Recreation Services and Homeowners, with equal representation on the NFRA Board of Directors. Bill Worden was re-elected president, Phil Janz agreed to serve as vice president for an additional year to

provide an alternate year rotation in electing those two officers, and John Rohde was re-elected Treasurer. Our budget was \$83,615, with a membership of 4,831. John Rohde continued his work as Administrator, managing the computer database of members and the billing of dues.

The early 1990s were years of continued growth and of frustration over the recreation residence policy. Before the appeal we had worked closely with the FS, but one portion of the appeal claimed we'd violated a federal meeting act and Asst. Secretary Dunlop ruled "No more of that!" Ken Myers was the lead author of the policy and continued to advise and brief us to the extent possible under that ruling. We sorely missed the close-knit give-and-take relationship that the Chief's Committee had developed.

In response to membership requests, a series of meetings were planned in various cities around the West. Initially called Presidents' Forums, the meetings were held in conjunction with the Executive Committee meetings during the year. Local permittee association presidents and officers were invited. These have continued, and since 1993 are held in conjunction with Board of Directors meetings, called Area Forums to which all local permittees are invited, and are now the responsibility of the Vice President.

At the annual meeting in 1992, Bill Worden was re-elected president, and Ray Neetzel (MN) Treasurer. In the fall of 1993 John Rohde died, and Ray took over as Administrator as well. The FS published the draft of the newly revised policy and, following a comment period, the final Recreation Residence Policy was published and sent to all permittees in June 1994.

At the NFRA Board meeting prior to the 1994 convention, more major problems arose between the Recreation Services and the Homeowners Divisions, and it was recommended to the members at the annual meeting in Sparks, NV, that NFH become an independent entity. H.P. Waters (Southern CA) was elected President and Dick Barhite (Central CA) Treasurer. A By-Laws committee was appointed and by-laws drawn up, a Reno attorney (Keith Ching) hired, and a "Memorandum of Understanding" signed by the presidents of NFRA and NFH. Incorporation papers were filed in Reno, Nevada, in June 1994. IRS granted NFH a 501(c)4 status and a tax ID number. The 1995 NFH convention was held separately from NFRA for the first time.

Shortly before the 1996 convention Ray Neetzel died, and Marcella Fescina of San Diego was hired as part-time Data Base Manager, duties to include billing of dues. At the convention H.P. Waters was re-elected President. Unfortunately, he died in Greece some six weeks later, and Vice-President Clare Engeseth (Northern CA) became President.

The 20-year appraisal cycle was on schedule, and so the 1996-onward conventions had a major theme, constant updates and workshops on the appraisal process, especially encouraging participation by permittees in their appraisals. The first booklet was prepared by NFH in cooperation with the FS to help our members, outlining the steps in the process; it has been as popular with many FS personnel as with our members! As the 15-year cycle of Forest Management Plan (FMP) revisions also came round, board members prepared a similar booklet on FMP and the necessity for involvement in that process by all permittees. Now that the federal rules for forest planning were amended, lawsuits filed, and the FS proposed a new draft rule, work will begin on an updated version once we know what to say. Newsletter articles and workshops are a continuing education medium for our members.

Problems with the appraisal process became apparent by the summer of 1997, with values coming in as high as \$660,000 for a lot, resulting in an annual fee of \$33,000, and many rising

250-500%. Rep. Smith (OR), Rep. Helen Chenoweth (ID) and Sen. Larry Craig (ID) supported us immediately by getting through Congress a bill mandating a year's notice for implementation of the new fees, and, if more than 100% increase, doing so in equal increments over a 3-year period. They also told us it would be imperative that the various permittee organizations speak with one voice in order for them to help us. At the 1998 convention in Vancouver, WA, the Board appointed two members (Lee Kaupke and the new chair of the Legislative Liaison Committee, Atty Mary Clarke Ver Hoef) to represent NFH on a homeowner association coalition to find a solution to the fee determination problem.

The "Coalition" was made up of representatives from American Land Rights Association (ALRA/NIA), California Forest Homeowners, National Forest Homeowners, Oregon Forest Homeowners Association, and Sawtooth (ID) Forest Cabin Owners Association, NFH lobbyist Scotch Pankonin, with input from Northern Sierra Summer Home Association (CA) and White River Recreation Association (WA), and CFH president Bill Worden serving as Chair.

Numerous permittees testified before three Congressional hearings during the next three years, as well as at hearings in Idaho, Nevada, and Oregon. A highly qualified consultant appraiser was hired by the Coalition, Richard Betts from Oakland, California. After reviewing some 16 sets of Instructions to Appraisers from various forests, regions, and the FS Washington Office, the group, including Rick Betts, worked with the staff of Sen. Craig, primarily Dan Whiting, to draft a bill that gives the FS specific instructions on the appraisal process. It passed Congress and was signed by the President in October 2000. The Forest Service took far longer than the required two years to finalize detailed regulations to implement the Cabin Users Fee Fairness Act of 2000 (CUFFA). The subsequent appraisals performed under the FS interpretation of CUFFA have been disappointing, at the very least. Thus a new coalition of cabin owner group has been formed, Coalition 2, including NFH, American Land Rights Association, Washington State Forest Homeowners Association, Oregon Forest Homeowners Association, California Forest Homeowners, Sawtooth Forest Cabin Owners Assn (Idaho), Priest Lake Association (Idaho), Lake Wenatchee Summer Home Assn (Washington), and individual members in Wyoming, Arizona, Florida, and Tennessee. There is an updated NFH handbook discussing the appraisal process, and another dealing with appealing the final permit fee.

In 1960 the FS stopped the development of new recreation residence tracts and the addition of new lots in already platted tracts; at that time there were approximately 20,000 permitted summer homes. Since that time the number of permittees has decreased nationwide to approximately 14,300. Some of this decrease has been the decision by the FS to terminate permits based on "higher use" or being an "isolated single cabin" not in a tract, and disallowing rebuilding of cabins destroyed by fire or avalanche. A number of tracts have been allowed to "exchange out," a long (5-7 year) process, encouraged in many areas by the FS where the tract has two or more sides bordered by private land as the FS tries to consolidate forests and eliminate "the checkerboard configuration" of forests.

Our Executive Director, Bob Ervin, retired as of the close of the National Forest Homeowners annual convention of 2001. The Executive Committee hired Scotch Pankonin as both Executive Director and lobbyist. Over the course of the next year it became evident that combining the two positions simply was not possible. Scotch became the NFH Legislative Representative. A part-time Field Director, Liz Arnold, was hired to assist in membership development, fund raising and assisting the Executive Director as needed. Hans Johnson, a

Wyoming cabin owner and independent contractor, became Executive Director in September 2002. Data Base Manager Marcella Fesina retired due to work pressures and Barbara Warnock took over that detailed project. Roy Glauthier (Southern CA) was elected president at the 2002 convention in Vancouver, WA, and he served 3 terms. The new Washington Representative for NFH, Aubrey King, was obtained (the term lobbyist having gone out of vogue), at this time.

Financial considerations made it necessary to eliminate the position of Field Director in 2003, and both Hans and Scotch found it necessary to spend more time in their own work. Mary Clarke Ver Hoef, a lawyer and California cabin owner active in both NFH, CUFFA, NSSHA, and her own tract for many years, resigned from the Board and became Executive Director in September 2003. She has just announced her intent to retire, so we are now looking for a new Executive Director

Roy Gauthier's term as President expired in 2008, and Geoffrey Anderson was elected to fulfill that position. He was elected for a second term in 2010.

Updated March 2013