

When Big Brother Is Your Landlord

The plusses and minuses of not owning the land under your cabin

For the majority of cabin owners in the Angeles National Forest of Southern California, September 2002 became every cabin owner's worst nightmare. By the time flames from the massive forest fires had been extinguished, nothing remained of the structures built in the 1920s and 1930s except ashes and blackened memories.

Adding to the misery was the preliminary decision handed down by the Forest Service in early 2004. Of the 110 cabins destroyed in the North Fork San Gabriel and San Dimas Canyon tracts, only four would be allowed to be rebuilt on their original sites. Most of the other owners would be out of luck.

"How can that be?" you might ask.

The question is both simple and complex. Although those cabins were owned by individuals or families, they had no legal claim to the land. All cabins in the Angeles National Forest are on U.S. Forest Service turf. Thus, what's beneath and around the foundations is the responsibility of the Forest Service, putting the cabins under government jurisdiction.

But the government is no typical landlord. A behemoth that oversees 192 million acres of public forest land across the U.S. and Puerto Rico, the Forest Service has a larger mission and many interests to juggle. Its Recreation Residence Program involves less than 1 / 1000th of a percent of all that land.

And because it's a bureaucracy, everything is complex. Take, for example, how control of recreational cabins is administered. Cabins were initially allowed on Forest Service land as part of the mandate to open forest land for

public recreation. But they're not part of the Recreation Division; they are regulated by the Lands Division, which means that whenever policy changes are considered, affected cabin owners must work with biologists, historians, soil geologists and archeologists as well as with the Forest Service.

The relationship between the Forest Service and its cabin-owning tenants has some plusses and many minuses.

In the Angeles National Forest burn area, it looks like the minuses may prevail. It was determined that a majority of the original cabin sites did not meet current fire and sanitation codes or they were inside riparian (water sensitive) zones no longer allowable for development.

As a result, at least 43 permittees relinquished their permits. Only three alternative sites are available for the remaining 67 burned-out owners. The final decision is still on hold.

The owners of those historic cabins have lost their beloved places and now they may be out of luck because there's no available land left to rebuild on in the Angeles National Forest.

Where Have All the Cabins Gone?

Because my family has owned a cabin in Oregon's Umpqua National Forest since 1972, I know what it's like to have the Feds own my dirt, trees, rocks and awesome lake view.

As former secretary/treasurer of the local homeowners' association, I've been at a score of meetings attended by federal and state governmental officials. As liaison with the National Forest Homeowners Association, I've corresponded with that organization's officials, studied its publications and embraced its causes.

However, until I learned about the ruling impacting those 110 cabins, I hadn't given serious thought to what being a permit holder from the government truly means. There is a bigger picture, and it goes beyond Southern California's Angeles National Forest and my little corner of Oregon.

Currently some 14,500 cabins in the United States and Puerto Rico have special use permits for recreation residences issued by the U.S. Forest Service. That may sound like a large number - and a group that could potentially flex some political muscle until one learns that at one time nearly 20,000 cabins held that distinction.

What happened to more than 5,000 cabins?

Some have been lost to natural disasters, primarily forest fires and mud slides; others transitioned out of public land ownership through land exchanges.

Rent Hike: From \$10 to \$33,000?

The first documented cabin in the woods was built in the early 1870s, predating the founding of the Forest Service by many years. Yep, cabin owners were there first.

The forerunner of the Forest Service, known as the Forest Reserves, was established in 1891. (It was renamed the Forest Service in 1905.) But although Congress created the act that locked up the forestlands, it made no provisions for their use or protection. Between 1903 and 1908 a few cabins were permitted and built, but those permits were good for only one year with no certainty of renewal or extension, so understandably there was no land rush.

The floodgates opened after March 4, 1915, when Congress allowed permits that came to be known as “99-year leases.” (Actually, they never were good for 99 years; and they aren’t, legally, leases.) Tracts of land, usually on or near lakes and streams, were surveyed and platted with lots marked for family cabins. Those first quarter-acre lots cost from \$10 to \$25 a year - an amount

Those first quarter-acre lots cost from \$10 to \$25 a year – an amount that is now a distant memory.

The floodgates closed in 1960 when the Forest Service put an end to developing new recreation residence tracts and adding new lots in already platted tracts. As a result, the 14,500 cabins currently on public land have become precious - and as the fires of 2002 demonstrated, precarious.

In 1969, in a move designed to make the tracts self-sustaining, Congress started issuing 20-year Special Use Permits. Annual fees were supposed to be based on appraisals of each lot and set at 5 percent of fair market value. But because the appraisals haven’t been updated for many years, political battles are being waged about just how much owners should be charged for their annual permits. One attempt to bring the fee standards up to speed was sent back to the drawing board when some lot appraisals came in at \$660,000 with annual fees of \$33,000 - an increase of 500 percent for those cabin owners, who don’t even own the land their cabin is on.

Interestingly, cabin fees currently bring in \$10 million per year which, according to the service’s accounting, more than pays for the program’s administrative costs.

Big Brother Lends a Hand

My family’s little slice of leased heaven in the Umpqua National Forest is a tract that fronts Diamond Lake, so named for the water’s clarity. We have personally experienced the minuses and plusses of being a permit-holder.

Those of us who hold permits know, @r should know, that we are part of a massive system with impressive power and responsibility.

Of course, we wish the land belonged to us. If it did, we wouldn’t have had to wait 20 years to be allowed to change our wood shake roof to fire- and snow-retardant metal. On the other hand, our landlord is spearheading the battle to rid Diamond Lake of the invasive TuI Chub fish that have all but run out the native trout.

Dave Loomis of the Oregon Department of Fish and Wildlife remembers when the chub invasion all began.

“I was pulling in the last net (used for checking lake habitat) Halloween night, 1990,” he recalls. “When I saw that single TUI chub I sat on the bank and cried.”

Fourteen years later, that one blankety-blank drub (probably introduced by someone illegally fishing with live bait) and his kin have taken over. Their numbers are in the tens of millions, effectively taking the majority of food from the trout population. In addition, their eating habits so upset the lake’s balance that unhealthy algae growth has resulted in the lake being closed by the health department for at least a week during each of the past three summers.

More than a dozen options for dealing with the problem have been proposed and some tried, including hiring a commercial fisherman to try to net those millions of fish - an experiment that failed miserably.

There are 103 affected cabin owners here, and we don’t have the resources to cleanup our beloved lake. But the federal and state governments mall their forms do. Finally, the seemingly endless years of legislation, fact-finding, studies and public input designed to avoid lawsuits appear to have come to an end.

The solution settled upon is the same one that worked in the 1950s during an earlier chub invasion. Barring any lawsuits, the lake will be drawn down via a series of pumping stations and the remaining water treated with rotenone, a natural substance derived from tropical and subtropical plants which paralyzes fish gills. The final cost will be in the millions with various government agencies doing the work.

We cabin owners have concerns about the impact on shallow wells, temporary loss of access to our cabins during treatment, and temporary poor fishing and water quality afterward.

But those of us who remember the heady and soul-enriching days when Diamond was indeed the “jewel of the Cascades” know we’d never stand a chance of regaining that distinction without our landlord. One hundred and three cabin owners would have a hard time footing the bill for a multi-million dollar effort.

Living With Rules

Nationally, my fellow 14,499 permit holders and I must deal with stringent restrictions from the federal government. When I tell people of the relationship, their usual response is to give me a sympathetic pat on the back. I can’t blame them.

There are rules, among them:

- No year-round permanent residency.
- No use as a rental property.
- Limitations on square footage of the structure.
- Restrictions on types of vehicles that may be parked near the cabin (no recreational vehicles, boats or motor homes).
- Outbuildings are generally forbidden; fencing is prohibited.
- No garden cultivation (because of potential impact on natural vegetation).
- Limitations on paint color.

Beyond those sometimes vexing constraints, there are less tangible issues. We can only grit our teeth when the general public hikes, camps or picnics on the land between the cabin structures. Granted, most of the time that isn’t an issue because people either respect our privacy or assume we own the land, but the lack of privacy can be unsettling at times.

Seeing the Forest Instead of the Trees

The Forest Service has been in existence for 100 years, and from the beginning recreation has been deemed a “valid use” of the national forests. But those of us who hold permits know, or should know, that we are part of a massive system that wields impressive power and responsibility.

As an example: In the wake of the fires of the summer of 2002, the head of the U.S. Forest Service signed off on a land management plan for 11.5 million acres in the Sierra Nevada mountain range and Modoc Plateau in California and parts of Nevada. Impacting some 3,000 cabin owners, it’s an aggressive, long-ranging plan designed to protect old-growth forests, wildlife and communities against catastrophic wildfires.

The architect of the plan, Pacific Southwest Regional Forester Jack Blackwell, explains that the size and intensity of wildfires have been increasing dramatically because of overly dense forests. These fires destroy old growth trees and wildlife habitat and wreck people’s lives, not to mention endangering the lives of firefighters. The Blackwell plan calls for thinning 700,000 acres within 20 years, an action expected to give firefighters a fighting chance at protecting the land from severe wildfires and doubling the acres of large old growth trees over the next 50 years.

Some impacted cabin owners have already begun meeting with local Forest Service personnel, prompted in part by the campaign’s goal of working with groups to explain, plan and implement the projects that were carefully scrutinized by environmental groups. The goal is to thin specific types of trees (none over 30 inches in diameter and leaving most over 25 inches) and remove underbrush around communities and in strategic locations.

After initial concerns, the National Forest Homeowners Association (an advocacy and educational group for cabin owners on federal forest lands) endorsed the proposed thinning, a massive project beyond the ability of any single cabin owner or tract organization.

As the group’s executive director, Mary Clarke Uer Hoef, states, “Cabin permittees, their families and friends, want to be able to continue to go to their cabins and enjoy the forest environment for many years to come. We support the Forest Service’s efforts to allow us - and other recreational users of the forest - opportunity to do so.”

So when the Forest Service tells us that the red paint that’s been on our cabin since we bought it is no longer an approved color, or that our neighbor has to shelve plans to enlarge his cabin beyond the allowed 1,200-square-foot footprint, or that at least two families must share a dock, we remind ourselves to look at the larger picture.

Big Brother is here to stay. And sometimes only Big Brother has the necessary resources to protect and defend our beloved surroundings. just, please, don’t raise the rent too much.

In addition to enjoying her cabin,

Vella Munn is an addicted writer with more than 40 fiction books to her credit.

She's particularly proud of her series of mainstream Native American historicals

This is her first, but not last, article for CABIN LIFE.