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Judge dismisses trail fee case



By [Marcy Stamper](#)

The United States has dismissed a case brought against a Twisp resident for not paying a \$5 day-use fee so that attorneys for the government can evaluate the implementation of certain fees charged in the Okanogan-Wenatchee National Forest.

"We're going to evaluate the implementation of the HIRA [High-Impact Recreation Area] program in that forest," said Tom Rice, first assistant U.S. attorney for the Eastern District of Washington. High-impact areas encompass numerous sites in a contiguous area with

natural or cultural features, according to Jocelyn Biro, program coordinator for developed recreation for the Okanogan-Wenatchee National Forest.

The case stemmed from a \$75 citation issued to Kristi Laguzza-Boosman when she hiked from the Cedar Creek trailhead near Mazama on Memorial Day weekend without paying the day-use fee. It was dismissed with prejudice (the government cannot refile a ticket for a violation on the same date) by U.S. Magistrate Cynthia Imbrogno on Friday (Oct. 23), at the request of the U.S. attorney's office.

"We're not implying the Forest Service has done anything wrong, but it is inappropriate to proceed when we haven't had the opportunity to evaluate the implementation of the program," said Rice. They have already begun discussions with the Forest Service, he said.

Laguzza-Boosman, who was representing herself, submitted an 11-page document and 15 exhibits, including photographs of nearby trailheads and copies of federal laws and Forest Service brochures. She contended that the law imposes six requirements – developed parking, a permanent toilet facility, a permanent trash receptacle, an interpretive sign, picnic tables and security services – before the Forest Service can impose a fee. But Biro said that within a designated HIRA not all sites have to have all six amenities.

Laguzza-Boosman said Cedar Creek parking area does not have all six amenities, but has a large gravel pit and an interpretive kiosk pockmarked with bullet holes. She argued that the Forest Service is prohibited from imposing fees for general access or for simply parking, picnicking or hiking.

On Thursday (Oct. 22), Laguzza-Boosman had a conference call with Judge Imbrogno and the district attorney, who was seeking a continuance for additional time to respond to her defense and gather witnesses. Laguzza-Boosman requested that the trial go forward. "I want to stand before you, present my case and get a ruling," she said she told them.

The judge denied the postponement and allowed the hearing, scheduled for Monday (Oct. 26), to proceed, but on Friday, Laguzza-Boosman heard again from the attorney, this time asking for a dismissal, which the judge granted.

Rice said this was the first case he was aware of regarding the implementation of the high-impact-area fees in the Okanogan-Wenatchee National Forest. He said that they intend to assess the implementation of the program based in part on points raised by Laguzza-Boosman in her defense documents.