

Forest Service Eyes Changes To Recreation Fees

Regional review identifies sites where area-wide fees may not be consistent with the legislation that authorized them

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By Bob Berwyn

SUMMIT COUNTY — Day use charges at Green Mountain Reservoir and Cataract Lake may be eliminated, while camping fees could go up, as the U.S. Forest Service considers changes to a sometimes controversial *recreation fee program* that requires visitors to pay for access to sites with developed amenities.

The proposed changes resulted from *a region-by-region review* of the fee program, with the Green Mountain/Cataract Lake sites identified as a place where the area-wide fees should be dropped, while continuing to charge site-specific fees for campgrounds with developed amenities. A stakeholder group that included fee program critics, local businesses and users of the area came to a similar conclusion years before the agency review.

Any changes are at least a year away, pending review by a recreation advisory committee. According to White River National Forest recreation staff officer Rich Doak, the review is required under the legislation that authorizes fees — a “gut check” to determine whether the existing fee structure at various sites is the best way to manage the areas for the benefit of the public.

Pay-to-play was first launched in the mid 1990s as the recreation fee demo program, then later made permanent under the *Federal Lands Recreation Enhancement Act*. The move to charge for access to certain sites coincided Forest Service budget cuts that left the agency’s recreation program underfunded. The general concept was to charge reasonable fees for the use of certain areas with most of the revenues going straight back into paying for maintenance and management of the sites.

Cataract Lake was one of the very first sites on national forest lands to experiment with charging a fee to access public lands. Many visitors saw the day use charge as a parking fee, while Forest Service officials said the money was needed.

The elimination of charges at Cataract Lake will lead to new challenges for the Forest Service, as the agency tries to find ways to pay for maintenance of the toilets at the busy trailhead.

The review of the so-called high-impact recreation areas could lead to more reductions or elimination of fees for access to national forest lands, said Kitty Benzar, president of the *Western Slope No-Fee Coalition*.

“To the extent that the Forest Service is finally, after seven years, trying to conform to the provisions in the FLREA that were designed to protect public access, then I applaud this effort,” said Benzar. “But we are not going to be satisfied until we see real changes on the ground.”

Benzar said the review may have also partly been triggered by a fee lawsuit in Arizona, where a judge said the Forest Service didn’t have authority to charge fees for undeveloped recreation areas.

In Colorado, four high-impact recreation areas encompassing 18,054 acres, charge fees for all access. Along with the Green Mountain/Cataract area, the popular Maroon Bells area in Aspen could also be dropped from the fee program, according to recommendations from the review panel. Similar to the Green Mountain changes, area-wide fees for the Maroon Bells could be eliminated, but camping fees

would still be in place.

Doak said local Forest Service officials still plan to have a dialogue with the national office about the fee structure at Maroon Bells.

“The Forest Service claims that 95 percent of the land they manage is fee-free, but much of that cannot be reached except from places where parking fees are charged. If under the new plan the remaining fee areas and stand-alone sites still contain access points like trailheads and dispersed campsites, then there will be no real change,” Benzar said.

“If the fee areas are tightened up to include only developed facilities and general access returns to being free, then that will be an improvement. We’re watching closely to see how this plays out on the ground,” she added.

The high-impact recreation areas (HIRAs) vary in size from the 40-acre Piper HIRA on the White Mountain National Forest in New Hampshire to the 191,791-acre Mirror Lake Scenic Byway on the Wasatch-Cache National Forest in Utah.

Nationally, HIRAs encompass over 1.4 million acres of National Forest. Within the designated areas, visitors are charged a standard amenity fee for all day use. Those who camp overnight in developed campgrounds are charged an additional expanded amenity fee.

SAFs are only authorized in places where six specific amenities are provided: a permanent toilet and permanent trash receptacle, picnic table, interpretive signage, developed parking, and security services. Expanded fees are authorized in campgrounds as long as five of nine amenities are present: tent or trailer spaces, picnic tables, devices for containing campfires, drinking water, toilet facilities, trash receptacles, access roads, reasonable security, and collection of the fee by an employee or agent of the federal agency.

The agency’s fee authority is subject to prohibitions on charging fees solely for parking, general access, dispersed undeveloped areas, scenic overlooks, and traveling through federal lands without using facilities and services.

A 2010 federal court decision in Arizona, U.S. vs Smith, said that these prohibitions must be honored even in places where developed facilities are available. The judge who ruled in that case said”

“The FLREA [Federal Lands Recreation Enhancement Act] is an extremely comprehensive and precise statutory scheme clearly delineating specific instances in which the public may be charged an amenity fee for use of the National Forests, and other public lands, and quite plainly prohibiting the agency from establishing any system which requires the public to pay for parking or simple access to trails or undeveloped camping sites.”

The FLREA replaced the Fee Demo program that was in effect from 1996-2004. Fee Demo gave the Forest Service authority to charge and retain fees without restriction. In late 2004 it was repealed and replaced with the much more specific and restrictive fee authority in the FLREA.