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Maroon Bells fee legitimate

Forest Service checks compliance with federal law; critics question part of finding

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ASPEN — A Forest Service review has concluded that the recreation fee it charges visitors to the spectacular Maroon Bells area southwest of Aspen is legitimate.

The agency conducted a nationwide review last year to determine if each individual site where it charges a fee was qualified for the program under the Federal Lands Recreation Enhancement Act. The agency wasn't looking at individual campgrounds but broader geographic areas such as the Maroon Valley.

The act, approved by Congress in 2000, essentially says the Forest Service has to offer amenities where it charges a fee. It cannot require a forest visitor to pay a fee simply for parking at an obscure trailhead and going for a hike.

Mike Kenealy, recreation special uses coordinator for the White River National Forest, said 96 fee sites across the country were reviewed for compliance with the recreation enhancement act. Changes will be required at several of them, though Kenealy didn't know the exact number.

The White River staff conducted a self-check of the Maroon Bells site for compliance with the law and then filed a report with the Forest Service's regional office in Lakewood. The regional office concurred with the conclusion that the Bells qualified for a fee and then submitted its decision to the agency's Washington, D.C., office. It, too, upheld the decision.

"I really don't envision any changes up there at all," Kenealy said.

The Durango-based Western Slope No-Fee Coalition wanted the review to produce changes in policy at the Maroon Bells. Kitty Benzar, president of the coalition, said hikers who want access from the East Maroon and West Maroon trailheads — but otherwise don't use amenities in the Maroon Creek Valley — shouldn't be forced to pay a fee. Those trailheads provide access to numerous backcountry lakes, streams and geographic features. Benzar said it is the coalition's position that charging hikers a fee in those areas doesn't meet the intent of the Federal Lands Recreation Enhancement Act.

The act allows the Forest Service to charge a standard amenity fee for day uses when six amenities are provided: a permanent toilet, a permanent trash receptacle, a picnic table, interpretive signage, developed parking and security services.

An expanded amenity fee can be charged when amenities exist for overnight camping.

Kenealy said the East Maroon Trailhead qualifies for a fee because of the amenities that exist at the trailhead. To qualify, West Maroon requires an interpretative sign and a fire pit, where people on a picnic can warm lunch, he said.

Kenealy said the Forest Service's ability to regulate traffic in the Maroon Creek Valley and charge the fee was never in jeopardy from the review.

The White River National Forest raised \$185,175 in fees collected from visitors to the Maroon Bells in 2010. The agency charges \$10 per vehicle, although travel times are restricted. It also collects 50 cents per ticket from the hundreds of people who ride buses to Maroon Lake.

Bicyclists and rollerbladers aren't charged for travel up Maroon Creek Road. That policy will remain the same

after the review, Kenealy said.

The White River National Forest's position is that the Maroon Bells area would be overwhelmed and the natural setting spoiled if it couldn't regulate visitors to the area and charge a fee to produce revenues to pay for trash collection and toilet services.

"It would be a nightmare," Kenealy said. "It would be untenable. It is one of the most visited sites in the country."

U.S. Rep. Scott Tipton, R-Colo., asked the Government Accounting Office in July to update an independent audit of the Federal Lands Recreation Enhancement Act program. His request said he wants to make sure "that government is using our federal revenues as efficiently and responsibly as possible."

Tipton, who represents the 3rd Congressional District, which includes the Roaring Fork Valley, also questioned last summer whether user fees charged by the Forest Service to access public lands are too expensive.

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