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News

HIRA fees questioned



Day use fee areas, such as this one designated by this sign may be a thing of the past if proposed changes go into effect.

The US Forest Service has completed a nationwide inventory and review of recreation fees in what the agency calls "High Impact Recreation Areas," or HIRAs. If recommendations from the agency's Washington Office are implemented, the public could see a substantial reduction in where fees are required on National Forests. However, the final decisions are being left to local managers, so whether there will be actual change on the ground is uncertain.

In California, 33 HIRAs encompassing 390,212 acres may, according to documents obtained from the Forest Service's Washington DC headquarters, be reduced to 13 smaller areas. Numerous stand-alone day-use and campground fee sites would remain but the land between those stand-alone sites would be restored to free access.

Locally, the Lake Isabella HIRA would be eliminated. The \$10 day-use fee would be dropped and fees would be charged only for developed campgrounds.

Critics of the Forest Service's fee program have mixed feelings about the plan. "Right now these HIRAs contain hundreds of fee sites that control access to lakes, rivers, and undeveloped backcountry as well as dispersed camping areas where fees are charged despite a lack of developed facilities," said Kitty Benzar, President of the Western Slope No-Fee Coalition. "The Forest Service claims that 95% 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. 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."

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 a HIRA, visitors are charged a Standard Amenity Fee, or SAF, for all day use. Those who camp overnight in developed campgrounds are charged an additional Expanded Amenity Fee, or EAF.

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. EAFs 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 SAF and EAF authority, regardless of amenities, 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. v Smith, said that these prohibitions must be honored even in places where developed facilities are available. The judge who issued that ruling 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.

"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."

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