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Fee foes hail ruling against Forest Service

By [Dale Rodebaugh](#)

A court's ruling against the U.S. Forest Service policy of charging for trailhead parking was right on the money, the president of the Western Slope No Fee Coalition said Monday.

"We're thrilled because it was an absolutely good decision," Kitty Benzar said. "It put the Forest Service on notice of what is expected of it."

The ruling by the 9th Circuit Court of Appeals in San Francisco on Feb. 9 couldn't be clearer, Benzar said. And it has national implications.

No one from the Forest Service was available for comment Monday because of the Presidents Day holiday.

Matt Kenna, a Durango public-interest environmental attorney, handled the appeal. He donated his services.

"The court called the Forest Service on its policy," Kenna said. "It's a shame it took so long."

The lawsuit was brought by four Arizona residents who were charged in Coronado National Forest to park along a paved road to Mount Lemmon near Tucson.

The federal agency argued that the fees are valid because drivers have access to amenities required by federal law in high-use recreation areas, whether they use them or not.

The court found the argument illogical. The parking charge is analogous to a restaurant patron being charged for bottles in a wine cellar simply because they're available for consumption, whether the wine is consumed or not, the court said.

Kenna said the Forest Service ignored the 2004 Federal Land Recreation Enhancement Act that replaced the Recreational Fee Demonstration Program, which allowed fee collections.

Benzar's group, which has worked to overturn the parking fees, wasn't a party to the lawsuit. But it contributed to filing fees and attorney travel expenses.

The San Juan National Forest doesn't charge to park at trailheads, Benzar said. But three other areas in Colorado do and a fourth charges to use a highway, she said.

The Maroon Valley near Aspen, Arapahoe National Recreation Area near Granby and Green Mountain Reservoir near Silverthorn charge to park to use trailheads.

The Forest Service charges \$10 per vehicle to drive on a state highway to reach the top of Mount Evans west of Denver, she said,

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