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## Forest Service may cut fees, but no changes yet in Top of Utah areas

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OGDEN — A court decision in Arizona means the U.S. Forest Service may reduce or eliminate recreation fees in some of its forests, but there are no changes yet in the Uinta-Wasatch-Cache, which covers most of the Top of Utah.

Several forests in California have already eliminated some fees. A Feb. 9 decision by the 9th U.S. Circuit Court of Appeals may force the Forest Service to trim the fee program even more.

The appeals panel ruling, in a case involving parking fees in the Coronado National Forest in Arizona, concluded that the charges were improper. The judges sent the case back to a lower court for further consideration.

The opinion applies to the seven Western states in the 9th Circuit, including California, but not Utah. The court did not toss out the entire fee program but essentially said the Forest Service had overreached in executing it.

Agency officials said they are reviewing the ruling and could not comment on its implications.

Forests charge recreation fees to help with the cost of maintaining trails and other recreational facilities. Most of the fees stay in the forest where they are collected.

The Uinta-Wasatch-Cache has two fee areas, in American Fork Canyon and the Mirror Lake highway. In those areas, people can drive through for free, but if they want to hike, fish or use other facilities, they have to pay \$5 per vehicle.

In 2010, the Uinta-Wasatch-Cache collected \$1.18 million in fees and its share of passes that the public buys for use in all U.S. parks, Bureau of Land Management and Forest Service fee areas.

That year, using some fee revenue from previous years, it spent \$1.4 million for maintenance, repair, visitor services, habitat restoration and law enforcement.

Spokeswoman Kathy-Jo Pollack said the Forest Service is reviewing fees but the Uinta-Wasatch-Cache has heard nothing about changes.

The Forest Service Intermountain Region collected \$5.1 million in fees in 2010. Charity Parks, spokeswoman for the regional office in Ogden, said there is no proposal, yet, to change or eliminate any of those fees. The Intermountain Region covers national forests in Utah, Nevada and parts of Idaho and Wyoming.

In California, the Forest Service proposes eliminating fees for three-quarters of the forest areas where they are now imposed, including 19 in Southern California. The charges in Southern California take the form of the regional Adventure Pass, which costs \$5 a day or \$30 annually.

Many trailheads, day-use sites and general forest areas where fees are now in effect in the region's four national forests will become free, said Tamara Wilton, a California Forest Service manager.

Adopted as part of a demonstration program in 1996 and later modified by Congress, the national recreation fees have been extremely controversial. Hikers greeted them by slapping bumper stickers on their cars declaring, "Can't see the forest for the fees."

Some people said the fees kept low-income families from public lands, and others complained the charges amounted to double taxation.

"It's been so detested for so long," said John McKinney, the author of 25 hiking books. "The program never had any political support. ... (It) ended a 100-year tradition of free access to public land."

McKinney, who has refused to buy an Adventure Pass, said he was thrilled by the court decision. "I don't think a nature hike is a forest product and that hikers are forest consumers. We're out there for something that you can't put a price on."

Congress reacted to public fury over the demonstration program by passing legislation in 2004 to limit situations in which the Forest Service could charge day-use fees.

The agency reduced the size of areas inside national forests where fees are required, but still maintained nearly 100 of them nationally, including 31 in the Angeles, Cleveland, Los Padres and San Bernardino forests.

Cars parked in those heavily used areas are required to display an Adventure Pass.

The Forest Service launched a national review of the fee program last year. In many areas where fees are eliminated, the agency proposes to continue charging for use of certain busy sites that are equipped with six specific amenities outlined in the 2004 law. Those include toilets, interpretive signs, trash cans and picnic tables.

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