

Methow Valley News

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Forest Service drops fees for Harts Pass area

By [Marcy Stamper](#)

Recreation fees for trails and picnic sites in the Harts Pass area have been dropped by the U.S. Forest Service, following an extensive review of similar areas across the country.

After a review of 97 High-Impact Recreation Areas (HIRAs) nationwide, the Forest Service eliminated fees at all but 25 of them, according to Jennifer Zbyszewski, recreation, wilderness and facilities program manager for the Methow Valley Ranger District.

Federal law allows land-management agencies to charge fees at sites that have six specified amenities, and also allows recreation fees at larger areas with clear boundaries that receive considerable use and, along with that, face significant impact. Local and regional offices of the Forest Service have been assessing the fee program and its application since the Federal Lands Recreation Enhancement Act was passed in 2004. As a result, virtually all trailheads in the Methow Valley Ranger District have been equipped with the six amenities – developed parking, permanent toilet, permanent trash receptacle, interpretive sign, picnic table and security services – and four others were designated as HIRAs, according to Zbyszewski.

In addition to Harts Pass, the Forest Service had imposed fees along the North Cascades Highway, the Twisp River and the Chewuch River. But only Harts Pass survived the first cut two years ago, said Brenda Yankoviak, assistant recreation program manager for the Okanogan-Wenatchee National Forest. None of the 10 high-impact sites once designated in the Okanogan-Wenatchee Forest are now permitted to collect fees.

The review that led to the removal of three-fourths of the HIRAs around the country was already under way, but the Forest Service took a deeper look after a court challenge filed in Arizona in 2009 by a backpacker. The hiker found a ticket on his vehicle, which was parked at an unimproved area seven miles from the nearest toilet and 10 miles from the nearest trash can, said Yankoviak.

In the Arizona case, the judge found that the location of the fee area in essence created an entrance fee, which is expressly prohibited by the law, said Yankoviak. Unlike challenges to the “standard” amenity fee charged at a single site, which has generally been upheld by courts, cases contesting fees for larger geographic areas have often been decided in favor of the plaintiff.

“We truly rely on rec-fee revenue to help us maintain our sites – this was a big blow,” said Yankoviak, who said they still need to mow weeds, collect trash and clean the toilets. The recreation fees are also used as matching funds when the agency applies for trail-maintenance grants, she said.

Elimination of the Harts Pass fee area will decrease the amount of money for the recreation program, said Zbyszewski. The agency is forbidden from spending money collected in recreation fees on non-rec-fee sites, so while the campgrounds at Harts Pass can benefit from the funds, the trailheads and picnic facilities cannot, she said.

HIRAs were developed to allow the agency to manage multiple sites as a unit, where use may spill over to nearby areas, said Yankoviak. Moreover, it doesn’t make sense to install a toilet at every area if there are five trailheads within a half-mile, she said.

“Harts Pass is tough – it’s so isolated,” said Zbyszewski. “It’s hard and expensive to install new toilets.”

She said they grapple with the need to provide amenities but still keep the impact to a minimum. “It’s a tough spot because Harts Pass is so popular, yet it’s so fragile ecologically.”

Harts Pass did not pass the final review because it has only a few, relatively dispersed trailheads and because it is far from a major population area, decreasing the probability of high use and impact, said Yankoviak.

The recreation fees have stirred some controversy since they were introduced in a pilot program in 1996, and several local residents have contested tickets. Most violations have been dismissed by the courts, which found that not all amenities were present or wanted the Forest Service to evaluate the implementation of the program.

Regional forests use different methods to encourage compliance, from citations that carry a fine, to notices of noncompliance that allow someone to pay the fee without a penalty; some also request voluntary donations. Fines are paid to the national office and do not help local forests, said Yankoviak. Compliance in this region has been good overall, she said.



The Okanogan-Wenatchee is considering making wider use of donation boxes, said Yankoviak. "We literally rely on grant funding and rec-fee revenue, and now we'll try and see if donation works to help us provide services to people," she said.

Last year the Methow ranger district collected about \$130,000 at campgrounds and for recreation passes, said Zbyszewski. The \$5 day pass or \$30 annual pass will still be required at most trailheads and recreation sites in the Methow and along the North Cascades Highway. Fees will also be charged at the two campgrounds at Harts Pass.

In a separate challenge to a fee at a different area in Arizona, a judge ruled in February that the Forest Service cannot charge people for merely using trails, parking or picnicking. A decision about an appeal is still under review, said Yankoviak.

MV News file photo by Marcy Stamper: Views like this at Harts Pass are free.

May 16, 2012

Date: 05-16-2012 | **Volume:** 110 | **Issue:** 1