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Forest Service cuts pay-to-play fees at Mt. Evans

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Forest Service will only charge fees at areas with developed amenities



Hikers on Mt. Evans, Colorado.



The Forest Service tries to show the public how the fee program benefits recreation management.

By Bob Berwyn

SUMMIT COUNTY — Just in time for the busy summer season in the mountains, the U.S. Forest Service has made some changes to the way it administers fees at the popular Mt. Evans area.

Instead of charging to visit the overall area, the agency will charge fees at three specific developed locations around Mt. Evans, including the summit area, the Mt. Goliath natural area and at Summit

Lake Park, under a revenue-sharing agreement with Denver.

The deal means hikers who just want to visit the backcountry won't have to pay, but the Forest Service will still be able to charge for use of developed recreation amenities in the most intensely used parts of the Mt. Evans area, where fees have helped pay for some much-needed maintenance and hardening of trails.

The changes are pursuant to a court-sanctioned settlement of a lawsuit brought against the Forest Service by citizens who challenged the agency's ability to charge fees for just parking at a trailhead and going for a hike or horseback ride. People also can't be charged for camping in dispersed, undeveloped areas, or for general access to federal lands along public roadways. The settlement ends a general \$10 per-vehicle fee that's been in effect since 1997, collected by the Forest Service near the base of Mt. Evans road.



The Summit Lake area at Mt. Evans, where Denver will allow the Forest Service to charge fees for the use of developed recreation amenities.

The settlement expires at the end of the summer, giving the Forest Service time to develop a long-term plan for the area.

Everyone entering the area had to pay the fee, regardless of whether they used any of the developed facilities or not — and that's what rankled anti-fee activists who have long criticized the Forest Service for charging for access to public lands.

At issue are Forest Service recreation fees collected under the Federal Lands Recreation Enhancement Act, which spells out very specifically that the agency can only charge fees at developed sites where certain amenities are in place. The agency tried to skirt the requirements of the law by creating what it called high impact recreation areas, but has lost several court cases, including a ruling from the 9th Circuit Court of Appeals finding that the Coronado National Forest had exceeded its authority at Mt

Lemmon by charging an area-wide fee.

At Mt. Evans, the changes mean people will be able to drive Mt. Evans road and visit the area for free unless they stop and use the facilities at one of the three developed sites. It no longer will cost anything to simply drive into the area, park along the roadside and hike off into the forest or tundra. Access to the area is also free for cyclists, equestrians and hikers.

Critics of the fee program said the settlement is a big win for the public, citing concerns about incrementally increasing fees discouraging public lands use.

The recreation fee program dates back to a pilot program started in 1997 as national forest and other federal managers sought to bolster recreation budgets. The majority of revenue from the fees is supposed to go straight back into maintaining and improving the sites where they're collected. At Mt. Evans, fees collected since 1997 have resulted helped pay for extensive tundra restoration projects and trail improvements around the summit area.

Critics of the fee program have called it a form of double taxation, considering that U.S. taxpayers already pay the Forest Service budget. Over the years, they've also expressed concern that the fees discourage low-income visitors and that they could, in a worst-case scenario, lead to privatization of public lands.

Under the original recreation fee demonstration program, the Forest Service tried out different iterations to see what works and what doesn't. The latest version of the bill (FLREA) was shaped by intensive grassroots citizen lobbying that caught the ear of a couple of powerful lawmakers.

Despite the limitations spelled out in the law, the Forest Service sought to stretch the definition, seeing the fee program as an easy way to bolster its budget. That led to several lawsuits, including the groundbreaking decision at Arizona's Mt. Lemmon, where a judge ruled that the Forest Service can charge fees just for parking, for traveling through federal land without using facilities and services, for visiting scenic overlooks and pullouts, or for camping in dispersed undeveloped areas.

The Forest Service claimed they could ignore those prohibitions by lumping non-developed backcountry areas together with developed sites and charging for those larger areas, whether the visitors use those amenities or not.

Here's how the judge saw it:

“Consider what would happen if a restaurant-goer inspected his bill and noticed an unexpected charge. If told that the fee was for ten bottles of wine that the patron's group neither ordered nor drank, the patron would rightly be outraged. He would not find much solace in a waiter's explanation that the wine cellar contained ten bottles, which the patron could have ordered if he wished.”