



## Former Ravalli County attorney challenging Lake Como user fees



2 HOURS AGO • BY [PERRY BACKUS](#)

HAMILTON – A former Ravalli County attorney is challenging the U.S. Forest Service’s user fee requirement at the popular Lake Como Recreation Area.

George Corn said the agency isn’t following the law when it requires people not using developed amenities in the recreation area to pay a fee to park their car to go hiking, fishing or berry picking.

Forest Service officials disagree with Corn’s interpretation and say they have made adjustments to meet changes handed down by a recent court ruling.

The Bitterroot National Forest currently charges \$5 per vehicle for anyone parking inside the 100-acre recreation site on the eastern edge of Lake Como from Memorial Day to Labor Day weekends. People can also buy a \$30 season pass.

Nearly all of the funds raised by the fee go back into maintenance of the area, which is the most popular site in the Forest Service’s Northern Region. Latest estimates say upwards of 300,000 people use the area annually.

The fee system began in 1997 after Congress allowed for a fee demonstration program that required the Forest Service to create areas where fees were collected as a test.

The program was unpopular and several groups asked for its repeal.

It was repealed in 2004 and replaced with the Federal Lands Recreation Enhancement Act, which allowed the Forest Service to charge fees for certain amenities, but prohibited entry fees.

After the law was enacted, the Forest Service drafted interim implementation guidelines that allowed the agency to impose fees in areas it designated as high-impact recreation areas. The agency designated 96 of those, including Lake Como.

Bitterroot Forest officials contend the fee being charged at Lake Como is appropriate because recreationists using that area focus their activities at the developed boat launch, swimming beach and campgrounds.

“We are charging for use of those amenities,” said Darby District Ranger Chuck Oliver. “We decided rather than trying to set up a fee for individual people, we could charge per vehicle.”

The recreation area is basically a circle drawn around the Three Frogs Campground, Woods Cabin, picnic area, beach overflow parking area, Como campground, Rock Creek Horse Camp, Three Sister group site and boat launch.

The agency has invested about \$3 million in the infrastructure around Lake Como since 1997, Oliver said. The area requires intensive management during the summer season.

“The amount of money that we bring in is not as much as it costs us to operate Como,” he said. “Our recreation budgets have continually been a struggle to maintain. It’s always a scramble to find the money to keep things up and going there.”

Last year, the fee brought in \$63,600. Estimated cost of managing the area is \$75,000 annually, Oliver said.

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**While Corn doesn’t have an issue with the agency** charging for use of the amenities, he said a recent 9th Circuit Court of Appeals ruling makes it clear the Forest Service can’t charge a parking fee for people who only want to use the non-developed areas.

The 2012 court ruling was the result a lawsuit against the Coronado National Forest for charging a fee to recreational users of the Mount Lemmon area near Tuscon, Ariz.

Like Como, Mount Lemmon was a designated high-impact recreation area.

In a strongly worded ruling, the court said the agency was not allowed to charge fees for parking for recreationists who camp at undeveloped sites, picnic along roads or trailsides, or hike through an area without using the facilities and services.

Kitty Benzar is president of the Western Slope No-Fee Coalition that has taken the Forest Service to court twice on the fee issue and won.

That organization has two pending lawsuits seeking to overturn agency decisions to continue charging fees to people wanting to park and recreate without using amenities in areas designated as high-impact recreation areas.

Benzar said the Forest Service ignored the change in the law in 2007 and continued to charge fees in the same manner it had under fee demonstration.

“We think we could sue and win on all of them,” Benzar said. “We don’t love suing anyone. We especially don’t like suing the federal government, but it seems like it’s the only way to make them change.”

Benzar said she traveled to Lake Como last year and saw issues similar to other places where that group has filed suit.

Corn said he’s positive the agency is aware of the 9th Circuit decision.

“That decision is like a fire bell in the night,” Corn said. “There is no way that a district ranger or forest supervisor would not know that decision.”

Corn said the Bitterroot Forest could set aside some parking areas for hikers on the north side of the lake and make other adjustments for people who want to recreate without using the amenities.

“If people want to hike, bike, walk their dog, picnic or launch their boat without using the boat ramp, Congress has said they can’t charge for that,” Corn said.

Corn said the state spent \$400,000 to increase the height of the dam, which made the lake much nicer for visitors. The state also stocks the lake with fish.

“Lake Como wouldn’t be nearly as nice a place to go without the money that Montana taxpayers have spent to make it that way,” he said. “It’s really a form of double taxation.”

Corn said he’s talked with Bitterroot Forest officials and there hasn’t been any change.

“I hope the Bitterroot Forest will obey the law and not continue to charge people simply wanting to go for a walk,” he said. “You can’t just chrome plate a place and then start charging people to use something that was free before.”