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May 22, 2013

Forest Service fees at center of debate



Snow is melting from the Maroon Lake area after a wet April and early May. U.S. Forest Service staff and volunteers are preparing facilities in anticipation of summer. / Kimberly Cordle courtesy photo

The U.S. Forest Service is making a simple, seemingly insignificant change to its fee-collection system at the Maroon Bells this summer, but the move is tied to a national fight that will end up in the lap of Congress next year.

The Aspen-Sopris Ranger District announced Tuesday that it won't charge a fee for vehicles that drive to an inconspicuous spot called the Stein Meadow Overlook on Maroon Creek Road. Drivers who say that is their sole destination won't be charged a fee. Vehicles bound for the three campgrounds in Maroon Valley, the East or West Maroon Trailheads or Maroon Lake will continue to be charged \$10. For the first time in a decade since Congress passed legislation allowing fees such as those at Maroon Lake, the Forest Service will ask drivers stopping at the entrance station in Maroon Valley where they are going.

The Forest Service is trying to make sure it follows the letter of the law in the Federal Lands Recreation Enhancement Act. Congress passed the act in 2004 to allow the Forest Service to charge a fee at certain areas that meet specific criteria. A fee is supposed to be charged only when the agency provides facilities or services, such as an interpretation center, bathrooms, picnic grounds or camping facilities.

The interpretation of the act has sparked legal battles. Opponents of fees on public lands contend that the Forest Service has too broadly interpreted where it can charge a fee. Lawsuits have been filed to eliminate or alter fees at four of the 96 High Impact Recreational Areas in the country, most in western U.S. forests, according to Kitty Benzar, president of the Durango-based Western Slope No-Fee Coalition. The

organization lent “moral support” to two forest visitors who filed a lawsuit to alter the fee charged by the Forest Service to travel the paved road up Mount Evans, one of Colorado’s 54 peaks above 14,000 feet in elevation. The Forest Service charged motorists and cyclists a fee to travel up the road even if they didn’t intend to visit agency facilities. The lawsuit was settled last year. This year, no fee is automatically charged. Only people going to a visitors center or a scenic overlook at the summit must pay the fee.

Western Slope No-Fee Coalition and allied groups are holding a celebratory drive up Mount Evans on Saturday.

“It’s another example of a High Impact Recreation Area biting the dust,” Benzar said. “It opens a state highway of Colorado back to the people that paid for it.”

A federal court of appeals, in a separate case in 2012, struck down a fee at Arizona’s Mount Lemmon. That has forced the agency to reassess the program on a case-by-case basis and make sure it is in compliance, according to Benzar.

Benzar and the Forest Service have different interpretations about the application of the fee at Maroon Lake, 10 miles southwest of Aspen. The No-Fee Coalition contends that those who want to hike Buckskin Pass or West Maroon Pass and want to park a vehicle at Maroon Lake shouldn’t have to pay the \$10 fee if they have no intention of hitting the bathroom before they hit the trail. Likewise, sightseers in cars shouldn’t have to pay the fee if they don’t use the bathroom or other facilities at any of the six developed recreation sites, she said.

Officials at the Aspen Ranger District and the White River National Forest Supervisor’s Office have countered over the years that collecting the fee is vital to operating the necessary facilities at Maroon Lake. Without the fee, the Maroon Bells would soak up all the recreation funds available through the regular budget process. Instead, funds collected don’t go back to the treasury. They are used at Maroon Bells for operations and maintenance.

The Forest Service and the predecessor to the Roaring Fork Transportation Authority started bus service to the Maroon Bells 35 years ago. The federal agency also worked with Pitkin County to limit traffic on Maroon Creek Road, a county route. When the fee was adopted formally through federal legislation, cyclists fought the Forest Service for an exemption. Bikes and pedestrians get free passage past the entrance station.

The federal agency’s total collection from Maroon Valley visitors was \$231,364 last year. That is a 50 percent increase from the collections in 2008, according to Forest Service figures.

Without the fee, Maroon Creek Road would be overwhelmed with traffic and the agency wouldn’t have adequate funds for operations, officials have said.

“Having that fee collection keeps it world-class,” said Martha Moran, a longtime veteran of the Aspen-Sopris Ranger District who helps oversee recreation programs. “If you want trash picked up and toilets cleaned, you can’t use volunteers.”

In 2011, White River National Forest Supervisor Scott Fitzwilliams told The Aspen Times that the fee at Maroon Lake was a “lifesaver” for the agency.

The fate of the fee will end up in the hands of Congress next year because the original authorization sunsets after 10 years. Benzar said no-fee proponents already are lobbying members of Congress on what she called a “failed experiment.” One of three outcomes is likely, she said: The fee will be renewed as is, it will expire, or it will be altered.

Forest Service officials also want ambiguity taken out. They want the legislation to be clear on common sense issues such as travel in Maroon Valley. The agency says it would be cost prohibitive to post law enforcement officials at Maroon Lake to see if people were using the bathrooms without paying. They need the flexibility to charge the fee to all travelers in the valley.

Benzar said taxpayers shouldn’t be charged again to use public lands.

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