Local national forest fees remain despite court ruling some fees illegal

Pay to hike. Pay to park. Pay to use the pit toilet. Pay to play.

It will cost you $5 to do that in Roosevelt National Forest at Chambers Lake, Dowdy Lake or Shadow Mountain Reservoir this summer. Or $9 to park for a hike at Brainard Lake.

The cost to hike Greyrock, Hewlett’s Gulch or to spend a day trekking around Pingree Park or nearly any national forest trail in Poudre Canyon?

Priceless. No cost at all.

Recreation fees in Roosevelt National Forest aren’t new; but as the U.S. Forest Service reviews day-use fees at some popular national forest recreation areas and trailheads in Colorado and after a 9th U.S. Circuit Court of Appeals decision last month ruling some of the fees illegal, all local fees are staying put.

That means a drive up Mount Evans costs $10 and a hike in the Snowy Range or a climb at Vedauwoo, near Laramie, Wyo., still costs $5 — money used to pay for maintaining toilets, dumping trash cans, interpretive kiosks, picnic tables and for various “security services.”

The fees are used solely for those “amenities” at the sites and to pay the staff that manages those amenities, said Paul Cruz, recreation staffer for the Arapaho-Roosevelt National Forest. None of the fees collected are used for trail maintenance, forest conservation or management of the national forest itself, he said.

Regardless of the level of service provided, if you go to Brainard Lake to park your car and hike in the Indian Peaks Wilderness, you will pay a Utah-based private concessionaire $9 for the right to use the Forest Service parking lot and facilities near the trailhead.

The 9th Circuit said it’s illegal for the agency to charge to park and hike under a 2004 law called the Federal Lands Recreation Enhancement Act, or REA, which established many of the current recreation fees — also called “standard amenity fees” — in all national forests across the country.
The law, the court said, prohibits the Forest Service from collecting fees simply for parking a car and going for a hike. You have to use the picnic tables or pit toilets for the fee to be legal, the court said.

“Everyone is entitled to enter national forests without paying a cent,” 9th Circuit Judge Robert Gettleman wrote in his decision.

But at Brainard Lake and five national forest recreation areas in Larimer County, the Forest Service said the law that allows everyone to park for free in national forests doesn’t apply because the sites are managed by a private company, said Diane Hitchings, Forest Service regional developed recreation program manager.

That means the $80 public lands access pass called the America the Beautiful Pass, which works at Mount Evans, Arapaho National Recreation Area near Grand Lake and at Snowy Range trailheads near Laramie, Wyo., won’t work at Brainard Lake, Chambers Lake and others in Larimer County after this year, she said.

The Forest Service’s national policy is to allow private concessionaires to reject the America the Beautiful Pass at recreation areas where the pass would be honored if a private company weren’t present, said Forest Service regional spokesman Steve Segin. That’s because the Forest Service claims a different law gives private companies the right to charge for the services rendered on public land.

American Land and Leisure, Roosevelt National Forest’s new concessionaire running all its campgrounds and recreation areas for the next five years, will accept the America the Beautiful Pass in 2012 as the public gets used to the idea that the pass will be rejected at Brainard Lake and other areas beginning in 2013, said company spokeswoman Claudia Webb.

The Forest Service allows concessionaires to decide for themselves whether to take the pass, and AL&L has decided not to after this year because of the financial hardship it would face, company Vice President Steve Werner said.

Visitors choosing not to pay the fee at those sites because they think the 2004 law allows them to park for free and go for a hike could get a lecture from a local or federal law enforcement officer and possibly a ticket, but the concessionaire cannot enforce the rules, Werner said.

Privately operated sites “are exempt” from
the 2004 law that says the public has the right to park for free in federal recreation sites to access the national forest, Hitchings said.

“That’s completely wrong,” said Kitty Benzar, president of the Durango-based Western Slope No-Fee Coalition, which advocates nationwide for dropping access fees to public lands. “If that were to hold up, then no federal law would have teeth in any aspect for any federal agency. Anything they couldn’t do under law they could just contract out to a private company to do.”

Roosevelt National Forest also is exempt from the 9th Circuit’s decision because Colorado is in the 10th Circuit, Hitchings said.

The agency, she said, is reviewing the court ruling.

Nonetheless, the Forest Service is reviewing all the fees it charges in “high impact recreation areas,” including the Arapaho National Recreation Area on the west side of Rocky Mountain National Park, Mount Evans and the Maroon Bells near Aspen.

Hitchings said if the fees go away or people quit paying them, the public will notice fewer toilets available in recreation areas.

“They would see how important these REA fees are to onthe- ground facilities, especially in Colorado where we have such a high value on recreation, and that is one of the reasons many people want to live in this state,” she said.