A Forest Service representative converses with a visitor to Maroon Valley Friday. Visitors must catch the bus during daytime or pay a fee when the bus isn't running. The fee is under scrutiny by proponents of free access to public lands.

A Colorado group opposed to fees to use some national forest lands claims a case in California could have implications for places such as the Maroon Bells.

The White River National Forest staff counters that the scenarios are apples and oranges and that the fee remains justified at Maroon Lake.

The Western Slope No Fee Coalition helped advise four hikers in California who prevailed last month in a legal battle to gain free access to about 400,000 acres of public lands in four national forests in California.

The hikers won a lower court ruling in June 2014. The U.S. Forest Service filed a notice to appeal, but the sides worked out a settlement. The Forest Service in those four forests can still charge visitors a fee to use amenities such as campgrounds, toilets and garbage containers. However, under the agreement, people who want to hike but not use the developed facilities won’t be charged the fee. The Forest Service has agreed to provide parking within a half mile of trailheads for people who aren’t subject to the fee through a so-called Adventure Pass.

Hikers have rights

Kitty Benzar, president of the Western Slope No Fee Coalition, said she believes the settlement suggests that the Forest Service will be forced to tweak its fee at the Maroon Bells outside of Aspen if it is challenged.

“At the Bells, I think the Forest Service is within the law to require shuttle-bus access during the busy times of day as a resource-protection measure,” Benzar told The Aspen Times via email. “If a hiker wants to start during those restricted hours I don’t have a problem with them having to buy a bus pass.
“But if they can get their act together early in the day — as any smart hiker should — when private vehicles are allowed in, then they should be able to park without having to pay an ‘amenity fee.’”

Under the No Fee Coalition’s scenario, the Forest Service would designate some of the parking at Maroon Lake for vehicles of people who won’t use amenities. Other lots could require proof that they paid the fee charged at the welcome station on Maroon Creek Road.

Rich Doak, recreation manager for the White River National Forest, said he understands Benzar’s position but doesn’t agree with it. The Forest Service believes the fee is justified under the Federal Lands Recreation Enhancement Act. The Forest Service performed a study under the National Environmental Policy Act two or three years ago that confirmed the Maroon Bells Scenic Area complied with the fee criteria, Doak said.

Enforcement nightmare

In addition, Doak said designating some parking for visitors who supposedly weren’t using the amenities at Maroon Lake would create an enforcement nightmare.

“How would you even manage that — have someone stand outside the toilet and monitor who goes in?” Doak asked.

The enforcement could end up eating the revenue produced by the fee. The fee raises around $180,000 annually. The funds are plowed back into operating the Maroon Lake facilities, which are visited by tens of thousands of visitors per summer and early fall.

Doak said the bus fee — which isn’t opposed by the No Fee Coalition — is justified because it eliminates environmental damage from vehicles parking along the roadside in the picturesque valley.

Benzar said the Forest Service regularly contends that a court decision or settlement in one state doesn’t apply in a different region or state, so she isn’t expecting adjustments to fees in Colorado.

“It’s a stupid game of legal whack-a-mole, with the taxpayers picking up the substantial tab,” Benzar said.

The Western Slope No Fee Coalition is trying to recruit forest users to challenge the fee on some national forest lands in Colorado.

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