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Appellate court ruling may end some federal land-use fees

February 21, 2012 A recent ruling by the U.S. 9th Circuit Court of Appeals calls into question some U.S. Forest Service visitor fees, but no immediate changes are expected at either the Gifford Pinchot National Forest or the Mount St. Helens Monument.

For now, all the fees will stay in place while officials determine if any apply to the local forest lands, said Tom Knappenberger, spokesman for Pacific Northwest Region of the Forest Service.

"This is pending litigation," Knappenberger said. "We're reviewing the ruling, and for now all the recreation sites and operations remain the same until that review is completed." He had no timeline for the review.

The Forest Service could also appeal the ruling, which would likely stall any fee changes until the case is resolved.

The Feb. 9 ruling dealt with a case in Arizona, where four people sued because they were required to pay a parking fee even though they wanted to use undeveloped areas of the Coronado National Forest. The three-judge panel strongly backed the group, saying the Forest Service can't charge for hiking, walking, picnicking or visiting undeveloped areas of national forest land. Charging a fee simply to park in the forest land also was declared illegal.

The ruling doesn't outlaw all Forest Service fees though.

The judges agreed some fees are allowed, depending on how many of a certain types of amenities and services are provided in a given area.

Tom Mulder, manager of the Mount St. Helens National Volcanic Monument, said his initial understanding is that current monument fees would still past muster because they're for the use of highly developed areas that have received a "significant investment" of federal dollars. The two fee areas in the monument are the Johnston Ridge Observatory and Coldwater Lake Recreation Area. Both require an \$8 day use permit for everyone 16 and older.

Hikers who park at Johnston Ridge and do not enter the visitor center are still asked to pay the fee. Mulder said that's because the entire area has clearly been developed for widespread use. Also, he said many hikers do end up using the rest rooms at the visitor center. Mulder does not expect that policy to change with the court ruling, though he cautioned he's not a lawyer and is still awaiting the Forest Service's review of the ruling.

Mulder also pointed out that hikers can access the nearby Loowit and Hummocks trails without paying a monument fee.

The monument is part of the Gifford Pinchot National Forest. Elsewhere in the Gifford Pinchot, officials require a \$30 annual Northwest Forest Pass at developed sites, such as the Ape Cave Interpretive Center and Windy Ridge Overlook, said forest spokesman Chris Strebig. Those areas have parking, bathrooms and other amenities. Undeveloped trailheads, though, have no fee, he said.