

US Forest Service tweaks Mount Evans amenity fees

JULY, 7 2012
THE ASSOCIATED PRESS

DENVER (AP) – The U.S. Forest Service has agreed to drop fees for Mount Evans visitors who don't use the parking lots and facilities along the highway billed as America's highest paved road.

For the past 15 years, the Forest Service has charged every vehicle, hiker and cyclist to visit the 14,264-foot mountain, The Denver Post reported Saturday (<http://bit.ly/Pv3Gr9>). But the agency agreed late last week to charge only those who use three improved parking areas and interpretive sites.

The decision settles a lawsuit arguing that visitors who were accessing public lands without using the Mount Evans summit viewing platform, the Mount Goliath interpretive area and the Denver-owned Summit Lake Park shouldn't be charged.

The Mount Evans Scenic Byway takes visitors less than three dozen feet from the summit, making it the easiest hike to one of Colorado's "fourteeners," or mountains above 14,000 feet. The paved road is open only from Memorial Day through mid-September because of heavy snowfall, but spectacular views make it a popular summer destination.

In August, the 10th U.S. Circuit Court of Appeals upheld a lower court's ruling supporting the Forest Service's right to charge visitors who flock to the peak west of Denver a \$10 "amenity fee," citing a technicality in the fee-challenge argument.

Mount Evans is part of the Arapahoe and Roosevelt National Forests, and Congress has decreed that anyone may enter a national forest without charge. However, the three-judge appeals court panel unanimously concluded that the Forest Service could charge a fee at Mount Evans because some use amenities including a nature center.

In February, the 9th U.S. Circuit Court of Appeals overturned a similar fee for all visitors at Arizona's Mount Lemmon, ruling that the Forest Service incorrectly interpreted the 2005 Federal Lands Recreation Enhancement Act.

The act allows such fees for "high impact" recreation areas but prohibits the Forest Service from charging visitors who are simply passing through those areas without using improved facilities such as parking lots and restrooms.

The Forest Service is planning to build a through-lane that bypasses the Mount Evans welcome station along Colorado 5 and will install small fee-collection stations at each of the three improved sites.

Paul Cruz, recreation program manager for the Arapaho and Roosevelt National Forests, said the fees generated about \$400,000 in 2011, but it remains unclear if the new structure will reduce those revenues.

He said most visitors go to the improved sites, with about 80 percent traveling to the summit remains of the Crest House, where the agency has developed interpretive exhibits and a viewing platform.

About 169,000 people visited Mount Evans during the 2011 season.

Information from: The Denver Post, <http://www.denverpost.com>

<http://www.summitdaily.com/apps/pbcs.dll/article?AID=/20120707/NEWS/120709874/1002&parentprofile=1060&template=printart>