

# **Denver Parks and Recreation (DPR)**

## **Summit Lake Collection Agreement**

### **Briefing Paper**

#### **Background**

In March 2002, the City entered into a collection agreement which allowed the U.S. Forest Service (USFS) to collect a fee for Summit Lake Park. The USFS has collected a \$10.00 fee at the entrance to the Mt. Evans Road located in Echo Lake Park. This \$10.00 fee allowed access up the Mt. Evans Road including the summit of Mt. Evans, Mt. Goliath, and Summit Lake Park. The collection agreement designated that 7% of the revenue collected would be used by the USFS to support maintenance services at Summit Lake and 12% of the revenue would be returned to the City and deposited in a Special Revenue account for Summit Lake. The term for the collection agreement was completed on December 31, 2012.

#### **Federal Law Suit**

In 2012 the USFS settled a 9<sup>th</sup> Circuit Court of Appeals case concerning The Federal Lands Recreation Enhancement Act (REA). REA allowed the USFS the authority to enter into the collection agreement at Summit Lake. The general finding of the lawsuit was that REA unambiguously prohibits charging a standard amenity recreation fee for an area such as the Mt. Evans Road. For the USFS to continue charging a federal fee at Summit Lake, it would be necessary for Denver to adopt a fee and authorize the USFS to collect the fee. A Denver fee was authorized in Ordinance CB14-0346.

#### **2015 Collection Agreement Ordinance Request**

Over the last year, a new collection agreement was been negotiated with the USFS for the same general terms as the 2002 agreement. This ordinance request would allow for the approval of a new collection agreement with a new 5 year term. Revenue from the collection agreement would be deposited in a special revenue account for the operations of Echo and Summit Lake Parks.