

**New West**

**RAT REMAINS DURING APPEAL**

## **Local Media Turns on FS over Mount Lemmon Fee**

By Bill Schneider, 12-15-06

I could videotape myself singing these lyrics and give you a link to YouTube.com, but that would probably cost NewWest.net a lot of readers and advertisers, so I'll just write it down.

This land is your land, this land is my land,  
From California, to the New York Island,  
From the redwood forest, to the gulf stream waters,  
This land was made for you and me.

Somebody really needs to sing this to the Forest Service.

As reported last September on NewWest.net, the Forest Service took a big hit in its frenzy to charge more and bigger fees when a Tucson judge ruled that the agency was operating outside the law, the Federal Lands Recreation Enhancement Act (FLREA). Did this change anything? Hardly. Instead of listening to the judge, the FS appealed the ruling--and continued to charge the exact same fees the judge considered illegal. Nor has the Mount Lemmon situation changed any policy anywhere in the agency.

Can you say "denial"?

Now, Billie Stanton, an editorial page editor for the Tucson Citizen, has blasted the federal agency in a pointed editorial, *Mount Lemmon Fee A Real Lemon*.

"In the West of yesteryear," she writes, "the wizened old prospector cocked his shotgun and warned, 'Get off of my land.' In today's West, citizens just want to get onto their land without paying admission."

Stanton goes on to explain the current situation. She tried to get the FS to explain their actions, but the agency refused to comment.

The case started when local legal secretary Christine Wallace refused to pay a \$5 fee to park along a state highway through a national forest to go hiking. FLREA allows the FS to charge fees to sites that have significant improvements like visitor centers or improved campgrounds, but specifically prohibits charging for parking or for entering areas without improvements to hike, bike, climb or lean against a tree and become one with nature.

But this prohibition didn't stop the FS. The agency did an embarrassingly transparent end run of the law by designating large areas, such as the Mount Lemmon area, as High Impact Recreation Areas, so they could charge entrance fees. In essence, this allows them to charge for all activities, including hiking, bird-watching, climbing, bicycling and everything else, including parking along a road to do partake in these non-consumptive outdoor activities. Such is the case with the Mount Lemmon HIRA where Wallace received her citations.

Stanton quoted Kitty Benzar, co-founder of the Western Slope No-Fee Coalition who explained that in testimony during the appeal the FS said it doesn't consider it "a fee for parking, but it's a fee we enforce by way of parking."

Huh? Perhaps a FS expert in these matters can use the comment section on this article to tell us how parking is not parking.

I like the way Stanton concluded her editorial: "Surely, the day federal policy prevents our poorest citizens from enjoying their public lands is a fine day to go to court. I suggest federal officials take their fee stations off of our land."