

# Verde Independent

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## Court case reins in Red Rock Pass program

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SEDONA - A judge's ruling, and the Coconino National Forest's decision not to appeal, will force some major changes in the Red Rock Pass program.

The program has imposed a fee of \$5 a day or less for an extended pass, to park within the 160,000-acre Red Rock Pass High Impact Recreation Area since receiving congressional authority in 1996.

The original legislation, which gave the forest broad-based authority to charge fees, was repealed and a new law put into effect in 2004. It was known as the Forest Lands Recreational Enhancement Program,

The new law limited authority to charge fees to sites that contained specific amenities such as restrooms, picnic tables and trash collection. However, it specifically forbids charging an entrance fee.

On Nov. 2, 2009, Sedona resident Jim Smith returned from a backpacking trip to find a citation on his windshield for failing to display a Red Rock Pass.

His vehicle was parked at the Dry Creek/Vultee Arch trailhead, an unimproved site, seven miles from the nearest restrooms and picnic tables and 10 miles from the nearest trashcan.

Using documents from a similar case in the Coronado National Forest, Smith submitted a motion to have the ticket dismissed.

In September, federal Magistrate Mark Aspey ruled in Smith's favor, citing the specific language in the 2004 statute.

"The Forest Service is specifically prohibited from charging a recreational amenity fee at sites or for uses where charging a recreational amenity fee is specifically prohibited," Aspey stated in his 33-page ruling.

His ruling prevents the Coconino National Forest from charging fees across a wide expanse of the forest, limiting them only to those sites with amenities.

The ruling applies only to the Red Rock Pass area and does not, as the judge stated, put the death knell in the Red Rock Pass Program.

Smith gives specific credit for the success of his case to the Western Slope No-Fee Coalition, a Colorado-based organization started in 2001 by four individuals who once refused to pay a \$5 fee to use a dirt road.



"As soon as I got the ticket I got on the Internet, where I found the Western Slopes No-Fee Coalition. They had posted the documents I used to build my case," Smith says.

"They are the real heroes."

Coconino National Forest spokesperson Brady Smith says that the Red Rock Pass program is currently under review.

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