

Arizona Daily Sun (Flagstaff)

Red Rock fees end -- in part

CYNDY COLE Sun Staff Reporter | Posted: Thursday, October 28, 2010 5:05 am

Hikers, bikers and horseback riders no longer need a Red Rock Pass to park at some trailheads and along some roads in the forests near Sedona.

But they will still need the pass at others, including the entire length of Oak Creek Canyon.

That's the announcement from staff in the Coconino National Forest after a judge's ruling that the agency improperly cited a Sedona man for violating the law by parking at a trailhead without a pass.

Forest Service attorneys and law enforcement officers participated in the discussions.

"This is just an interim, operational proposal," until a committee can reach a decision on the fees next year, said Red Rock Ranger District spokeswoman Connie Birkland.

Initially, the agency was going to change its enforcement policies only at the Vultee Arch trailhead where the Sedona hiker was cited by Coconino law enforcement, Birkland said. That citation was later nullified by U.S. Magistrate Mark E. Aspey of Flagstaff.

She said there is now a question about whether all of the forest surrounding Sedona should continue to be a "high-impact" recreation area that charges special fees for trash collection and more.

STILL NOT IN CONFORMITY

Kitty Benzar, president of the Western Slope No-Fee Coalition, said the agency's interim decision appears to be in disagreement with parts of Aspey's September ruling, which said federal law specifically prohibited the Forest Service from charging someone a fee to park along a road or access a trailhead.

"It still is not getting in conformity with the judge's decision if they're still charging people to go hiking in undeveloped areas or camping in undeveloped areas, or just to park," she said.

But Birkland contended the judge's ruling was largely limited to the case at hand.

"Aspey made the decision based on that citation. He does not make the decision for the entire fee area," Birkland said.

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Red Rock Pass usage

Red Rock Pass not needed

-- Verde Valley School Road

-- Jacks Canyon Road

- Forest Road 152, also known as Dry Creek Road, which includes trailheads for Vultee Arch and Devil's Bridge
- Upper and Lower Red Rock Loop roads
- The unpaved portion of Boynton Pass Road west of Doe Trailhead
- The unpaved portion of Schnebly Hill Road, north of Huckaby Trailhead

Red Rock Pass still needed

- Palatki, Honanki, and V Bar V cultural sites
- All of Oak Creek Canyon
- Pullout sites along Highway 179 between the Village of Oak Creek and Sedona.
- Long Canyon, Boynton Canyon, Doe, Bear, and Aerie Trailheads along the paved Boynton Pass Road
- Huckaby, Soldiers Pass, Jordan, Thunder Mountain, Broken Arrow, Cathedral, and Airport Mesa trailheads near the Town of Sedona.

What U.S. Magistrate Mark E. Aspey ruled in September

"Congress expressed a manifest intent in (federal law) that a fee not be charged solely to park on the National Forest, or at a site where the six specific listed 'amenities' were not found."

The agency can legally charge fees where it provides all of these amenities: parking, toilets, trash cans, exhibits, picnic tables and security, Aspey found.

There is an exception in the Federal Lands Recreation Enhancement Act: No fee is required for persons who are driving through, walking through, boating through, horseback riding through, or hiking through federal recreational lands and waters without using the (above) facilities and services.

(2) Comments

[KBenzar](#) said on: October 28, 2010, 7:24 am

The judge based his decision on the Federal Lands Recreation Enhancement Act. His reasoning applies equally to other cases: "The FLREA is an extremely comprehensive and precise statutory scheme clearly delineating specific instances in which the public may be charged an amenity fee for use of the National Forests, and other public lands, and quite plainly prohibiting the agency from establishing any system which requires the public to pay for parking or simple access to trails or undeveloped camping sites."

[Flg1969](#) said on: October 28, 2010, 6:57 am

I am not assured by the response of the Forest Service that one can let down their guard and access their public lands without hassle..even the areas listed as 'alley, alley oxen free.' I have sadness when I go through the canyon that one can not just stop and even hear the water, let alone go down and just sit for awhile without whipping out a

wad of money. \$10.00 is just too much for West Fork, having reached my price limit.
Not seeing alot of forest 'service' either for my buck.