

KNAU Public Radio, Flagstaff AZ

Listen to the audio at

[http://www.publicbroadcasting.net/knau/news.newsmain?action=article&ARTICLE\\_ID=1794573](http://www.publicbroadcasting.net/knau/news.newsmain?action=article&ARTICLE_ID=1794573)

## Fighting fees in the Red Rocks

Daniel Kraker (2011-04-27)



Jim Smith standing next to a Red Rock Pass dispenser at a trailhead outside Sedona.

SEDONA, AZ (knau) - You'd be hard-pressed to meet a more unassuming activist than Jim Smith. But the Coconino National Forest raised the ire of the soft-spoken retiree back in November, 2009. That's when Smith was cited for parking at the remote Vultee Arch trailhead outside Sedona.

"I've been using the public lands ever since I grew up in New Mexico," he says, "and I consider them my lands."

And he doesn't feel he should have to pay to hike in them. So Smith challenged the ticket. He spent months researching and writing two legal briefs.

"I'm concerned at what this can grow into," he explains, "that the fees over the years could become higher and higher."

Then, last September, he won. U.S. Magistrate Judge Mark Aspey ruled the National Forest violated federal law by charging a recreation fee at an undeveloped site. The decision has reinvigorated a nationwide effort to ban fees on public lands. And it forced the Red Rock Ranger District to reexamine its fee program.

"We thought Judge Aspey had a good point," says District Ranger Heather Provencio. "Some of our areas were fairly isolated without amenities, so we probably ought to look at tightening up our Red Rock Pass area."

Forest officials held two meetings in Sedona to get public input on several alternatives that scale back the current Red Rock pass program. But Provencio doesn't think the fees should be eliminated, "because people are coming, they're here, we need to manage them, otherwise you have people willy-nilly all over the forest harming those valuable resources."

Provencio says the roughly \$1 million the pass generates every year helps protect fragile soils and cultural resources. The money is used to educate tourists, maintain trails, manage volunteers, and, do the dirty work, like clean toilets.

But "that's not the point," argues Kitty Benzar, president of the Western Slope No Fee Coalition in Durango, Colorado. "Following the federal law is not a popularity contest and it's not about what you do with the ill-gotten gains."

Benzar says national forests around the country are violating a 2004 law that restricts fees to sites that provide six specific amenities, like toilets or picnic tables. She says to get around that, forests have set aside huge areas like the 160,000 acre Red Rock Pass area and then charged fees within that entire swath of land even in places where there aren't those amenities.

"That's what we're objecting to," says Matt Kenna, an attorney with the Western States Legal Foundation. He's representing plaintiffs challenging fees at Mt. Lemmon outside Tucson and Mt. Evans west of Denver.

"The Forest Service still continues to charge fees for recreating on undeveloped lands," he says, "and that is something that Congress told them to stop doing."

Fee opponents like Kitty Benzar are also lobbying Congress to change the law. She says when you have to pay for simple access to public lands, it's like inviting money changers into the temple.

"It changes the whole experience," she believes. "It takes away the sense of ownership, and just pollutes it, it pollutes my interaction with nature, and I know a lot of other people feel the same way."

Forest service officials ALL stress they don't like fees either. But they argue they're necessary. Tom O'Halleran, President of Keep Sedona Beautiful and a former state senator, agrees.

"The state parks are public lands," he argues, and "you pay to get in there. The Grand Canyon is public land, and you pay to get in there. There's a reason you do that, because they're special places that require a much higher level of care than a normal place."

The Forest Service plans to publish a revised Red Rock fee proposal within the next several weeks, although it will be several months before any new plan is in place.

© Copyright 2011, [knau](#)