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Fighting fees on public lands

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Remember trekking up Mount Lemmon, Madera Canyon and Sabino Canyon for free? Then you've been around Tucson a while.

A fee demonstration project enacted in 1996 started a "pay to play" trend that hasn't stopped.

Recreation fees now are charged at some 400 sites managed by federal agencies, including those three Tucson-area favorites.

Having underbudgeted our national parks and forests for decades, Congress decided to do the wrong thing: ratchet up the people's payments.

If the money collected were spent to improve the health of our public lands, we might be happy campers.

But nearly half the sums collected by the U.S. Forest Service are spent simply to perpetuate the problem program, the General Accountability Office reports.

What happens to the rest isn't clear, the GAO says.

These fees may seem a minor inconvenience to some, but they have seriously injurious effects. They impose double taxation and dissuade poor people from visiting wild public lands.

They have turned land managers into fee collectors, putting profit above public interest and land stewardship while encouraging privatization on public property.

Tucson legal secretary, churchgoer and hiker Christine Wallace has been battling this nasty trend on our behalf.

Thursday, she lost a second round before U.S. District Judge John M. Roll.

He fined her \$100, the maximum, for failing to pay \$5 daily fees to tramp Mount Lemmon's trails.

Wallace, a rather shy woman who never aimed to become a cause célèbre, had been in church when she heard a presentation by the Western Slope No Fee Coalition, based in Durango, Colo.

The federal "demo project" had been eradicated in 2004, replaced by the Federal Lands Recreation Enhancement Act.

Yet even though the act contains no provisions for "High Impact Recreation Areas," the Forest Service declared enormous swaths of our land - on Mount Lemmon and elsewhere - to be HIRAs subject to fees.

Wallace was moved by principle to stop paying for the privilege of walking on lands that long ago were set aside for free public use.

Having repeatedly ignored "opportunity to pay" tickets left on her car windshield, she finally was cited by a forest ranger. She didn't pay that one, either.

So Thursday, Roll not only fined Wallace \$100, but also chided her as if she were a delinquent child.

"He tried to paint her as a criminal, which was completely unnecessary," said Kitty Benzar of the No Fee Coalition, who drove to Tucson for the hearing. "He may disagree with her on points of law, but her case is a matter of principle."

U.S. Magistrate Judge Charles R. Pyle of Tucson upheld that principle last year, saying the government cannot charge for hiking, scenic driving, roadside picknicking or camping in undeveloped sites. But the Forest Service appealed, and Roll ruled in its favor.

Wallace paid the \$100 fine he imposed but will appeal to the U.S. 9th Circuit Court of Appeals, thanks to pro bono lawyer Mary Ellen Barilotti of Hood River, Ore.

"I didn't come this far just to fall over," Wallace said. "I wasn't sure what I was in for. But now I know a lot of people support me. I'm getting e-mails from all over."

One man who shares her principle may even succeed in repealing the Federal Lands Recreation Act.

U.S. Sen. Max Baucus, D-Mont., is expected to introduce legislation soon to eradicate the act and the authority agencies are exercising to increase fee-based sites and their income.

Godspeed to Baucus and Wallace both.

This pernicious act is contrary to legislation enacted long ago to preserve public lands for posterity.

The Antiquities Act of 1906, signed into law by President Theodore Roosevelt, permitted creation of our national parks and monuments.

And the U.S. Land Revision Act of 1891, allowing for national forests, was enacted because miners and ranchers were harming the San Gabriel Mountains' watershed near Los Angeles.

With all due respect, both acts would be excellent reading for Judge Roll.

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1. *Comment by Timothy P. (timp) — September 11, 2007 @ 6:19AM*

I dont think people would object to the fees so much if the forest service used the money to maintain the areas, but as is the case at Sabino Canyon and Mt. Lemmon they do not even make an effort to do regular maintenace like trash removal and restroom maintenace, and the trails and access areas are never addressed, oh but are park employees get to drive up and down the areas in brand new vehicles polluting the air with deisel fumes instead of doing their jobs. The

solution is to outsource the maintenance of the areas and keep only key forest service employees, enough of the free lunch for these lazy government employees.

2. Comment by ATaxpayr T. (Downtrodden) — September 11,2007 @ 7:20AM

Pay for what you use. If you do not use it no cost.

Also, regarding trash removal & restrooms.

Who left the trash? Who messed the restrooms? The Park Rangers? Tell me what their jobs are. Let me see you do their work, at their pay.

3. Comment by Kim J. (mrsdagle) — September 11,2007 @ 8:56AM

The point is \$5 for one person to spend a couple of hours in a park is ridiculous. Why then is there a separate fundraiser to "Save our Sabino"? What about the expensive items in the gift shop or the expensive tram rides that go up and down the trail, now not even that far. It simply is too expensive to go to a public place on a regular basis.

Since it's probably tourists that can afford the fees and tram rides, I would bet that they are providing most of the trash.

We already pay for Nat'l property, #2. Try again.