



Forest Service going after money despite ruling, group says

Fee-collecting rangers are called 'intimidating'

Doug Kreutz Arizona Daily Star | Posted: Saturday, May 12, 2012 12:00 am

Rangers are "intimidating" hikers into paying fees at recreation sites such as Sabino Canyon even though a federal court has blocked such fees, says a group opposed to the payments.

"They are writing phony tickets that intimidate the vast majority of people to pay up when they're not required to," said Kitty Benzar, president of the Western Slope No Fee Coalition.

Officials of the Coronado National Forest, which manages the recreation sites, said they could not comment in detail because litigation is continuing on the fee issue.

The Star also sought information on the matter from officials of the U.S. Forest Service in Washington, D.C.

Joe Walsh, a spokesman for the agency there, said officials wouldn't be immediately available for comment. Asked to clarify the state of litigation on fees, Walsh said he could say nothing about the litigation.

The 9th U.S. Circuit Court of Appeals ruled in February that the Forest Service cannot charge fees for those who park and hike in the Catalina Mountains north of Tucson.

That ruling overturned a trial judge's 2010 ruling - in a case brought by Tucson opponents of the fees - that the Forest Service could charge the \$5 daily fees to visitors who park along the Catalina Highway.

In response, the Forest Service stopped collecting fees on the highway. But it continues to collect fees in Sabino Canyon northeast of Tucson, Madera Canyon south of the city and at developed recreation sites in the Catalinas, said Heidi Schewel, a spokeswoman for the Coronado Forest.

Sabino and Madera canyons are part of the Coronado National Forest.

Benzar and other fee opponents - including Gaye Adams, one of the plaintiffs in the court case - say the Forest Service is defying the February ruling by requiring a fee of all visitors to the canyons.

"If you park in Sabino Canyon and walk up a trail without using the facilities and services, then you don't owe a fee," Benzar said.

Judge Robert Gettleman, in the February appeals court ruling, appeared to agree.

Federal law "clearly contemplates that individuals can go to a place offering facilities and services without using the facilities and services and without paying a fee," Gettleman said.

The law, he said, prohibits charging fees to people who walk, hike, boat or ride on horseback through the forest without using the facilities and services.

Benzar said rangers or other forest employees "put a notice on your car if you don't pay the fee" in Sabino Canyon - even if a visitor plans merely to hike without using facilities.

"It's a Notice of Required Fee, an NRF," she said. "It's not really a ticket and it isn't enforceable. It's a phony ticket. If people get an NRF, they can ignore it. But they are very much trying to intimidate people into paying.

"I think that's underhanded and not worthy of a federal agency," Benzar said.

Jim Upchurch, supervisor of the Coronado Forest, offered only a brief email response to requests for information.

"We are currently in litigation on the fee issues regarding Mount Lemmon so there is little that I could comment on other than that we are in litigation," Upchurch wrote.

"We will be reviewing the court ruling and address the issues related to the fee program at Mount Lemmon," he continued. "As of now we have not made any changes to the fee sites across the forest other than not collecting fees at the fee station on the Mount Lemmon Highway until we can clarify the court ruling."

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