

Ruling to halt forest fee will be appealed

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\$5 requirement for Mt. Lemmon, canyons at stake

The federal government has given notice that it will appeal a magistrate's ruling that could lead to elimination of \$5 daily user fees in popular recreation areas, according to the U.S. Attorney's Office in Phoenix.

People now pay the user fees to hike or picnic on Mount Lemmon, in Sabino and Madera canyons, and in other sites in Arizona and around the West.

U.S. Attorney Paul Charlton's notice, filed Thursday, said the government will appeal U.S. Magistrate Charles Pyle's Sept. 5 ruling dismissing two \$30 tickets the Forest Service issued to Tucsonan Chris Wallace.

Wallace was cited twice in September 2005 on Mount Lemmon for parking her car to hike in the Marshall Gulch area and near the General Hitchcock Campground without paying the fee.

Pyle's ruling said the Forest Service lacks authority to impose such a fee for trail use.

The user fee system requires anyone who drives up Mount Lemmon to pay \$5 per day or \$20 for an annual pass, if they park at hiking trails or picnic areas or anywhere else within a prescribed area on the mountain. That area includes all national forest along the Mount Lemmon Highway.

They do not have to pay if they drive up and down the mountain without stopping, or stop at campgrounds that have separate fees charged by concessionaires. They also don't pay if they stop at private cabins, Summerhaven businesses, scenic overlooks or vista points.

The appeal will be pursued in U.S. District Court. The Justice Department has 30 days from Thursday to file a legal brief on the case.

On Friday, a Forest Service official corrected a statement he made Wednesday that Congress has cut back its appropriations for Forest Service recreational programs by 50 percent to 75 percent over the past decade.

Actually, the amount appropriated for recreation nationally has increased by 22 percent over that period, said Larry Raley, the Santa Catalina Ranger District's district ranger. He declined to comment on budget issues for the Santa Catalina district.

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