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Clear ruling needed on rec-area user fees

A federal magistrate has ruled that the Forest Service is acting illegally when it charges users a \$5 fee for parking at trailheads, picnic areas and undeveloped campgrounds at some of the most popular outdoor recreational areas around Tucson.

Magistrate Charles Pyle opened a Pandora's Box two weeks ago when he dismissed charges against a Tucson woman who had been given a \$30 ticket twice for failure to pay the Forest Service fee for parking and hiking at Mount Lemmon trails.

These fees have been controversial since they were first imposed in 1996. In dismissing the tickets for Christine Wallace, Pyle expressed an opinion frequently cited by foes of the Forest Service's recreational-user fees.

A story in the Star by reporter Tony Davis said, "Pyle ruled that the Forest Service went beyond its congressional authorization when it charged fees for parking to use a trail, for roadside or trail-side picnicking, for camping outside developed campgrounds and for roadside parking in general."

The Forest Service, not surprisingly, intends to appeal the ruling. The appeal is important because, aside from the fact that the user fees have been a valuable source of operating revenue for the Forest Service, the courts need to clarify once and for all whether those fees are legitimate.

The user fees in national forests were instituted as a demonstration program in 1996. The intent was to use the fees to improve the recreational areas where they were collected. As a result, restrooms, picnic areas and scenic pullouts were enhanced on Mount Lemmon.

In 2003, Congress extended the life of the program and angered a large constituency that saw the fees as unfair to low-income families and as a new tax - the belief being that rather than providing the Forest Service adequate operating funds, Congress merely passed along those costs to the public.

Objections came - and still come - from a fairly broad cross-section of the community. In 2003, for example, when the program came up for reconsideration, the Pima County Board of Supervisors adopted a resolution, introduced by Supervisor Richard Elias, that called upon Congress "to restore land-management funding for the Forest Service, the Bureau of Land Management and Fish and Wildlife Service . . . to provide for those agencies' full needs without the charging of fees."

Congress was disinclined to abandon the fees and instead continued to shift responsibility for part of the Forest Service's budget to the taxpayers. Forest administrators believe if the fees were dropped, their budget would not be increased to make up the difference.

We believe that's true.

The fees are useful, but that doesn't make them legal. With luck, the appeals court will give us a clear ruling on that.