

11

Tweet

[Share \(http://www.addthis.com/bookmark.php?v=250&username=xa-4bfd65f56cbcd63b\)](http://www.addthis.com/bookmark.php?v=250&username=xa-4bfd65f56cbcd63b)

[Outdoors \(http://www.kcet.org/socal/socal_wanderer/outdoors/\)](http://www.kcet.org/socal/socal_wanderer/outdoors/)

[Appeals Court Ruling Could Affect SoCal Adventure Pass Program](http://www.kcet.org/socal/socal_wanderer/outdoors/appeals-court-ruling-could-affect-adventure-pass-program.html) (http://www.kcet.org/socal/socal_wanderer/outdoors/appeals-court-ruling-could-affect-adventure-pass-program.html)

by [Zach Behrens \(http://www.kcet.org/user/profile/zbehrens\)](http://www.kcet.org/user/profile/zbehrens)

on February 16, 2012 8:00 AM



Figueria Mountain in Los Padres National Forest is one of the many areas where an Adventure Pass is required in parked vehicles | Photo: [Damian Gadal](#)

[\(http://www.flickr.com/photos/23024164@N06/3759205328/\)](http://www.flickr.com/photos/23024164@N06/3759205328/)Flickr/[Creative Commons License](#)
<http://creativecommons.org/licenses/by/2.0/deed.en>

That \$5 permit to access certain parts of national forests in Southern California could soon be a thing of the past, thanks to a recent ruling by the U.S. 9th Circuit Court of Appeals. A panel of judges unanimously agreed with four hikers who objected to paying a fee to use a portion of an Arizona national forest.

"Everyone is entitled to enter national forests without paying a cent," said Judge Robert Gettleman in [the February 9 ruling](http://www.ca9.uscourts.gov/opinions/view_subpage.php?pk_id=0000012045) (http://www.ca9.uscourts.gov/opinions/view_subpage.php?pk_id=0000012045).

San Gabriel Valley Tribune writer Steve Scauzillo [explains how it could affect the Adventure Pass](http://www.whittierdailynews.com/news/ci_19974329) (http://www.whittierdailynews.com/news/ci_19974329), which is only available for the Angeles, San Bernardino, Cleveland and Los Padres national forests:

The strongly worded, 15-page decision says any member of the public who walks, hikes, rides a horse, picnics on the side of a road, camps at undeveloped sites, even parks in a national forest "without using facilities and services" is allowed to do so without being charged. Charging a fee, such as the Adventure Pass, even for someone who visits an area with amenities but doesn't use them, violates the FLREA [or, Federal Lands and Recreation Enhancement Act], according to the decision.

Nonetheless, an Angeles National Forest official did not comment either way when asked by Scauzillo.

Image: Courtesy USFS



In the ruling, Gettleman said, "The Forest Service is prohibited from charging an amenity fee solely for parking. There is nothing ambiguous about that text."

Does that relate to fee areas that require an Adventure Pass? Maybe. People can stop their vehicles in a fee area "for activities incidental to through travel (stretch break, photo-opportunity, use a restroom)" without purchasing a pass, [according to the Adventure Pass website](http://www.fs.fed.us/r5/sanbernardino/ap/questions-and-answers.shtml#exceptions) (<http://www.fs.fed.us/r5/sanbernardino/ap/questions-and-answers.shtml#exceptions>). And "Congress did allow for fees to be collected from those entering certain developed recreation areas," [reported the Arizona Daily Star](http://azstarnet.com/news/local/court-rejects-forest-service-fees-for-parking-hiking-in-catalinas/article_88b295fa-538a-11e1-af58-0019bb2963f4.html) (http://azstarnet.com/news/local/court-rejects-forest-service-fees-for-parking-hiking-in-catalinas/article_88b295fa-538a-11e1-af58-0019bb2963f4.html).

Gettleman acknowledges, says the Star, "that a visitor, after parking, does something else for which the Forest Service is allowed to charge a fee. But that does not permit a fee to be imposed solely because of that mere possibility." He, perhaps, summed it up best this way, as pointed out by Scauzillo:

The Forest Service fails to distinguish--as the statute does--between someone who glides into a paved parking space and sits at a picnic table enjoying a feast of caviar and champagne, and someone who parks on the side of the highway, sits on a pile of gravel, and eats an old baloney sandwich while the cars whizz by. The agency collects the same fee from both types of picnickers. That practice violates the statute's plain text.

The Forest Service has 90 days from the ruling to appeal the court's decision.

Say hello: "Like" SoCal Wanderer on [Facebook](http://www.facebook.com/pages/SoCal-Wanderer/127964960614699?sk=wall) (<http://www.facebook.com/pages/SoCal-Wanderer/127964960614699?sk=wall>) and follow [@SoCal Wanderer](http://twitter.com/#!/SoCal_Wanderer) (http://twitter.com/#!/SoCal_Wanderer) on Twitter to talk about the latest in outdoors with other enthusiasts.