



A cyclist takes on a trail at the Los Padres National Forest. User fees just to enter the national forest have been prohibited by a recent court ruling, but rangers at Los Padres will continue to collect.

Forest service continues user fee despite court ruling

By [Kit Stolz](#) 03/15/2012



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Last month a federal appeals court issued a ruling that prohibited the U.S. Forest Service from asking visitors to pay user fees to park and walk in the national forest.

“It is clear that the Forest Service cannot collect a fee from someone who does nothing other than park,” wrote District Judge Robert Gettleman for the Ninth Circuit Court of Appeals, in a 15-page opinion.

In Ventura County, the user fee is called the Adventure Pass and costs \$5 a day or \$30 a year.

Activists have been contesting the imposition of this fee for walking or picnicking in unimproved areas — such as along Highway 33 north of Ojai — since 1996, when Congress first empowered the Forest Service to test the concept of requiring visitors to pay a fee for accessing the national forest.

“Millions of Americans will once again be free to go for a walk in these national forests without risking being ticketed by Forest Service staff,” said Alasdair Coyne, conservation director for Keep the Sespe Wild, which, with other environmental and some anti-tax groups, has been contesting the fee since its inception.

But Sue Exline, the district ranger in Ojai who oversees Forest Service operations in the Los Padres National Forest in the Ventura County area, said that her office will continue to collect the fee.

“The agency’s direction to the field offices was to continue administering the Adventure Pass until further notice,” she said. “Nothing’s really changed. We still require visitors in Rose Valley to display an Adventure Pass, and yes, we are still checking to see that it’s displayed.”

Scott Silver, director of Wild Wilderness in Oregon, a leading figure in the anti-fee movement, wasn’t surprised by the agency’s decision.

“Basically, the ruling makes it impossible for the Forest Service to issue a ticket to a parked vehicle for failing to display a pass,” he said. “If the Forest Service were to follow the instructions of the court, it would be the end of the Adventure Pass. But it’s not going to play out that way.”

Silver said that already the Forest Service, to avoid restrictions on the fee program, issues what some activists call “fake tickets.”

“What the [notice of noncompliance] says is that we saw your car at this trailhead and you didn’t pay the fee and now we’re giving you the opportunity to pay the five dollars or otherwise we will write you a ticket,” Silver said. “From the standpoint of the Forest Service, actually writing violations has never been terribly important. If a person pays the five dollars to avoid that, they’re satisfied.”

The user fee issue was approved on a trial basis by Congress in 1996, but proved controversial, and when the fee was reauthorized by Congress a decade later, it was limited to popular “high impact” areas. In Ventura County these are the Rose Valley area north of Ojai and the Mt. Pinos area during the winter, along a road popular for playing in the snow.

The law authorizing the fee expires in 2014, and the reauthorization is expected to be controversial. Two weeks after the court ruling, the Forest Service released an internal committee report, two years in the works, recommending that the fee be further limited.

In Ventura County the Adventure Pass would not be required at all, and in the Los Padres National Forest, it would be required only at Santa Ynez and Figueroa Mountain recreation areas.

In the meantime, Coyne continues to advocate resistance.

“We haven’t had any real trouble in Southern California for refusing to pay the noncompliance notice,” he said. “But anyone who is given a court summons of any sort for refusing to buy an Adventure Pass should contact our group. We have people who can help defend them vigorously in court. And we mean that.” ■

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