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Judge rules against Forest Service fees in Southern California

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Hikers make it to the top of Mt. Baldy in the San Gabriel Mountains. A federal judge has ruled that visitors to Southern California's four national forests do not need to buy an Adventure Pass if they are only hiking and do not use forest facilities.

BY BETTINA BOXALL
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Opponents of day-use fees in national forests chalked up another victory this week with a federal court ruling in the long-running battle over the recreation charges.

U.S. District Court Judge Terry Hatter Jr. sided with four hikers who contended that Southern California forests were improperly requiring them to buy an Adventure Pass even when they didn't use any developed facilities.

The regional pass, which costs $5 a day or $30 annually, has funneled millions of dollars to the four Southland forests, which are some of the most heavily used in the nation.

Los Angeles Times

Citing a 2012 federal appeals decision involving an Arizona national forest, Hatter said that case made it clear that “the Forest Service is prohibited from charging a fee solely for parking.”

Although the Angeles, Cleveland, Los Padres and San Bernardino forests reduced the number of fee areas, they continued to require a pass at certain busy sites equipped with amenities such as toilets, interpretive signs and picnic tables -- even if hikers were only parking and not using the facilities.

That, Hatter said in Monday's opinion, violated the law.

A regional Forest Service spokesman said the agency was reviewing the decision and had no comment.

But how can rangers tell whether a hiker parked in a designated fee area has used the picnic table or the restroom?

Attorney Matt Kenna, who represented the plaintiffs, suggested several options. Rangers could establish separate parking areas, allow roadside parking near trail heads or drop the pass requirement at sites with limited facilities.

“What they can’t do is just assume that anyone who is parked at a trailhead is using the facilities,” he said.

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