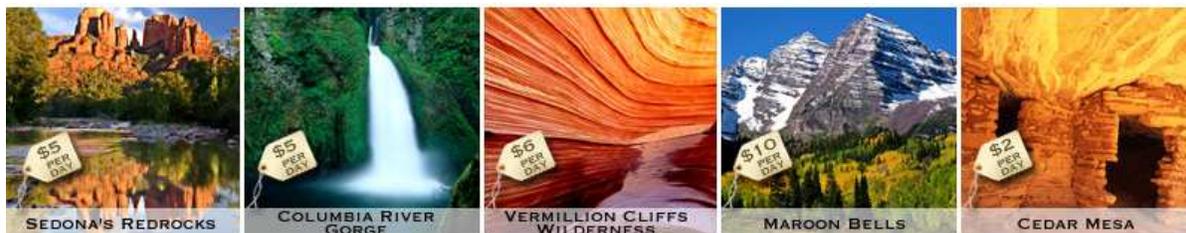


WESTERN SLOPE NO-FEE COALITION



February 12, 2013

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NEWS RELEASE



***Kernville Kayaker Sues
Sequoia National Forest
Service Over Recreation Fees***

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KERNVILLE RESIDENT SUES TO AXE SOUTHERN SIERRA PASS

February 12, 2013

The administration of the Sequoia National Forest's "Southern Sierra Pass" fee program is being challenged in federal court by Kernville resident and avid kayaker Peter Wiechers. Under the pass program, visitors are required to pay a fee to park their vehicle at several locations just to gain access to Lake Isabella or the Kern River.

The lawsuit also contends that the forest is charging a fee to use sites that do not provide the minimum developed facilities required by federal law.

In a civil suit filed today, Wiechers asked the federal district court in Fresno for relief from having to pay a fee while kayaking on the river or otherwise enjoying the forest without using any facilities and services.

A similar fee on the Coronado National Forest in Arizona

was struck down in February 2012 by the Ninth Circuit Court of Appeals in San Francisco. Writing for the unanimous three-judge panel, Judge Robert Gettleman said, "Everyone is entitled to enter national forests without paying a cent." That decision is binding in nine western states, including California, but the Sequoia National Forest has not yet made any changes to its Southern Sierra Pass fee program.

"The Forest Service has persisted for more than a year in charging access fees that the 9th Circuit ruled illegal," said Wiechers. "Here in the Kern River Valley they are not only charging for general access but they are also charging a fee at sites that lack the minimum required amenities and services. They have ignored the court's ruling that such fees are not authorized, so I felt it was necessary to bring the situation to the court's attention." He added that the "final straw" was when a Notice of Required Fee was placed on his truck while he was kayaking on the lower Kern River in June 2012.

A Notice of Required Fee resembles a ticket and includes in bold letters "Failure to pay the required fee may subject you to criminal enforcement."



Lake Isabella
Sequoia National Forest

Wiechers is a longtime critic of fees for general access to the national forests and testified before the House of Representatives about the issue in June 2008. He is one of four plaintiffs in a similar case challenging the legality of the Adventure Pass fee program on the Angeles, Cleveland, Los Padres, and San Bernardino National Forests. That case has been put on hold by the court until April 1 so that confidential settlement discussions can be held.

Recreation fees on federal land are governed by the 2004 Federal Lands Recreation Enhancement Act, or REA. Fees are authorized under the REA for use of campgrounds and day use sites that meet certain minimum requirements, but fees are prohibited for some activities, including camping in dispersed undeveloped areas and general access.

In order to charge a fee for a day-use site, the Forest Service must provide picnic tables, developed parking, trash collection, a permanent toilet, security services, and an interpretive sign, exhibit, or kiosk. The lawsuit filed today says that none of eight day-use sites named meet all six of the requirements and no one should have to pay a fee to use them. The sites at issue are Camp 9 day use, Auxiliary Dam, Old Isabella, and South Fork, all located on Lake Isabella, as well as the lower Kern River sites of Miracle Hot Springs, Upper Richbar, Lower Richbar, and Live Oak.

In 2008, the Sequoia National Forest announced a plan to enlarge the Southern Sierra Pass fee area to include the entire shore of Lake Isabella as well as all access to the upper Kern River and lands adjacent to the Lloyd Meadow Road. That plan was met with strong local opposition resulting in several raucous public meetings. It has not been implemented so far, but Wiechers suspects it is still on the back burner and not abandoned.

"The Sequoia National Forest is charging fees for sub-standard facilities and says you must pay just to park your car to access trails, rivers, lakes, and undeveloped backcountry. People are being intimidated into paying illegal fees under threat of federal prosecution," said Wiechers. "If the roles were reversed and it was a citizen breaking the law, the government would have that person locked up in no time. But when a federal agency ignores the law our only recourse as citizens is to ask the courts for relief. That's what I've done and I am hopeful that this will settle the matter."

Wiechers is represented by public interest attorneys René Voss of San Anselmo, California, and

Matt Kenna of Durango, Colorado, with support from the Colorado-based Western Slope No-Fee Coalition.

The Forest Service has 60 days in which to respond to the lawsuit.

To read the lawsuit filed February 12, 2013, [CLICK HERE](#).

The Western Slope No-Fee Coalition is a broad-based organization consisting of diverse interests including hiking, biking, boating, equestrian and motorized enthusiasts, community groups, local and state elected officials, conservatives and liberals, Republicans and Democrats, and just plain citizens.

Our goals are:

- To eliminate recreation fees for general access to public lands managed by the Forest Service and Bureau of Land Management
- To eliminate backcountry fees and interpretive program fees in National Parks, once an Entrance Fee has been paid
- To require more accountability within the land management agencies
- To encourage Congress to adequately fund our public lands

Thank you for your support!

Sincerely,

Kitty Benzar
Western Slope No Fee Coalition

