

[Lawsuit challenges Forest Service's SoCal Adventure Pass](#)

Posted on October 26, 2012 by Bob Berwyn

Hikers claim adventure pass program is illegal under federal law and pursuant to an earlier court ruling



Public lands advocates continue their challenge to the Forest Service fee program with a lawsuit in Southern California. Bob Berwyn photo.

By Summit Voice

SUMMIT COUNTY — Public land activists continue to try and chip away at various Forest Service fees, most recently with [a lawsuit](#) challenging the agency's Southern California adventure pass.

In September, [a similar lawsuit](#) was filed challenging the agency's practice of letting private companies that operate Forest Service campgrounds charge fees for adjacent day-use areas.

Four hikers have gone to court claiming the pass program is not authorized under federal laws that set strict limits on where and when fees can be charged for use of public lands. The adventure pass program requires forest visitors to display a pass on their vehicle when they park on the Angeles, Cleveland, Los Padres, and San Bernardino National Forests, even when they do not use any developed facilities.

In the civil suit filed Oct. 24, Alasdair Coyne and Richard Fragosa, both of Ojai, John Karevoll of Running Springs, and Peter Wiechers of Kernville are asking the Los Angeles District Court for relief from having to pay a fee just to go for a hike in many popular parts of the four forests. Read the lawsuit [here](#).

A similar fee on the Coronado National Forest in Arizona was struck down in February 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 Forest Service has not yet made any changes to its Adventure Pass fee program, which is one of the largest in the nation.

“It should now be possible to go for a hike in your local forest without having to risk a ticket if you don’t pay an access fee,” says plaintiff Alasdair Coyne, Conservation Director of Keep Sespe Wild, a Los Padres watershed organization based in Ojai. “Eight months after the Arizona court ruling is quite enough time for the Forest Service to bring their other local fee programs into compliance. The Forest Service is not above the law.”

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, even where those requirements are met.

The activities for which fees are prohibited include parking, passing through without use of facilities and services, camping in dispersed undeveloped areas, and general access.

Under the fee program, most of the revenues stay at the site where they are collected. The Forest Service uses the money to maintain and manage the areas. Agency officials say the fee program helps bolster recreation budgets, which in some cases have suffered as money is diverted to firefighting and forest health programs.

The hikers challenging the Adventure Pass are represented by public interest attorneys Matt Kenna of Durango, Colorado, and René Voss of San Anselmo, California, with support from the Colorado-based Western Slope No-Fee Coalition.

“The 9th Circuit ruling is quite clear that forest visitors who don’t use developed facilities can’t be charged a fee,” said Western Slope No-Fee Coalition president Kitty Benzar. “Yet fee signage across southern California’s four National Forests, as well as information on the Adventure Pass website, 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. We are confident this lawsuit will put a stop to that.”

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