

Summit County (CO) Citizens Voice

[Court deal a win for fee-free public lands access in SoCal](#)

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Public lands access activists make progress in fight against recreation fees. @bberwyn photo.

Settlement addresses pesky Adventure Pass fees on 4 Southern California national forests

Staff Report

A long-running and stubborn battle by activists against the spread of public lands access fees has paid off once again in Southern California, where the U.S. Forest Service agreed to designate and mark free parking areas for hikers who aren't using developed facilities.

The court-sanctioned deal stems from yet another legal battle over federal recreation fees. Public land agencies started charging for access to plug alleged budget holes; public lands advocates have been trying to limit the spread of the fees and make sure they've only levied in the places specifically authorized by Congress — namely at developed recreation sites, and not just for general hiking access.

The [settlement agreement](#) between four southern California hikers and the US Forest Service applies at the Angeles, Cleveland, Los Padres, and San Bernardino National Forests, where people will no longer have to purchase and display an Adventure Pass in order to park their car at trailheads.

“This is a huge win, not only in southern California but in many other places where the Forest Service assumes that anyone parked near developed amenities is using them and owes a fee for that use,” said Kitty Benzar, president of the Western Slope No-Fee Coalition, who advised the hikers over the course of their lawsuit.

The federal recreation fee law bans the Forest Service and BLM from charging fees solely for parking,

for traveling through federal lands without using facilities and services, camping in undeveloped areas, and general access. Fees are only authorized in places where there are specific amenities, including permanent toilets, trash bins or picnic areas.

Even though courts in California, Arizona, Colorado, and Oregon have repeatedly ruled against fees for parking at trailheads, the agencies have tried to skirt those legal requirements, requiring activists to seek legal relief again and again.

That was the case in Southern California, where the Forest Service required so-called Adventure Passes, which served as sort of a general admission pass to the forests in question.

“Many people just want to be able to take a walk in the woods without having to buy a pass. They don’t need amenities, they just want access,” said Benzar.

The [lawsuit](#) was filed in 2013. The hikers based their case on a [2012 ruling](#) by the 9th Circuit Court of Appeals confirming that fees for parking and general access to undeveloped areas are not allowed under FLREA.

The hikers’ case was heard in California Central District Court, which in June 2014 handed down a [judgment](#) in favor of the hikers. The Forest Service filed notice of appeal, but after lengthy negotiations agreed to a settlement rather than proceeding with the case.

Under the settlement, the Forest Service agreed to only charge a fee for use of sites with the legally required amenities. If the amenities are located at a trailhead then there must be fee-free parking available within a half mile for those who do not use the amenities and only access the trail. The plaintiffs agreed to let fees continue to be charged in some of the parking areas closest to the trailheads as a compromise so that the Forest Service can efficiently enforce fee payment where fees are legal.

The deal covers 66 specific sites where the Forest Service has agreed to post signs indicating where the fee area boundary begins. Those who park outside the boundary are not required to buy or display an Adventure Pass. Alternate roadside or other parking is available within a half mile at each of the listed sites.

The Forest Service will begin installing the fee site delineation signs in the summer of 2016. “It is our understanding that there will be no fee enforcement at these sites until the signs are in place,” said Benzar.

“The plaintiffs in this case have been extremely reasonable in reaching a compromise with the Forest Service that allows them to charge reasonable fees for amenity use, while still holding them to the letter of the law that requires access to undeveloped areas for free,” said Benzar. “I applaud these four brave Americans for standing up for their right to access public lands without having to buy a pass.”