

VCS OUTDOORS

Forest Service ends parking fees for hikers at Los Padres, three other So Cal forests



STAR FILE PHOTO The U.S. Forest Service has ended the Adventure Pass fee in Los Padres and three other Southern California national forests for visitors who don't use amenities.

By *Mike Harris* of the *Ventura County Star*

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Under a settlement reached between two Ojai hikers, two others and the U.S. Forest Service, visitors will no longer have to pay to park near trailheads in four Southern California national forests if they don't use amenities such as permanent bathrooms and picnic tables.

They will not have to buy so-called Adventure Passes to merely access trailheads at 66 sites with amenities in the Los Padres, Angeles, Cleveland and San Bernardino national forests.

Adventure Passes cost \$5 a day or \$30 a year.

The settlement, finalized in May, brings to a close several years of litigation in which the four hikers, including Ojai's Richard Fragosa and Alasdair Coyne, sued the Forest Service in federal court. The two other hikers are from outside Ventura County.

The settlement was hailed this week by Coyne and the Western Slope No-Fee Coalition, an outdoors advocacy group based in Colorado, which advised the plaintiffs.

"I'm very pleased," Coyne said. "It's been a very lengthy process. The big result of this lawsuit is that now, people who wish to have free access to undeveloped public lands can do so without risking getting a ticket from the Forest Service for parking in the wrong place."

Kitty Benzar, president of the coalition, said the settlement was "a huge win.

"Many people just want to be able to take a walk in the woods without having to buy a pass," she said. "They don't need amenities, they just want access."

Fragosa could not be reached for comment.

Paul Robbins Jr., a spokesman for the Forest Service, said the agency will continue to legally charge a fee for visitors who use recreation sites with six standard amenities: designated developed parking, picnic tables, permanent toilets, security, interpretive signs, and trash receptacles.

"These fees enable our forests to maintain the cleanliness, safety and appeal of the recreational areas," he said. "For the four Southern California national forests in the settlement that contain hiking trailheads, the Forest Service will not enforce standard amenity recreation fees — SARFs — for visitors who park outside of a SARF site and do not use any of the standard amenities in the site."

Coyne, of the nonprofit watershed conservation group Keep Sespe Wild, was ticketed several years ago for parking and hiking in the Rose Valley area of Los Padres north of Ojai. Instead of fighting the ticket, he joined the lawsuit against the Forest Service in U.S. District Court in downtown Los Angeles.

The Federal Lands Recreation Enhancement Act prohibits the Forest Service and the Bureau of Land Management from charging any fee solely for parking, traveling through federal lands without using facilities and services, camping in undeveloped areas, and general access, Benzar said.

At sites such as picnic areas where fees are allowed, they can only be charged if the six specific amenities are provided, she said.

Courts in California, Arizona, Colorado, and Oregon have repeatedly ruled against fees for parking at trailheads when no facilities are used, she said. But in Southern California, the Forest Service continued to require purchase and display of an Adventure Pass merely to park at the trailheads with amenities, Benzar said.

"They were using the part of the law that allows them to charge for the use of amenities," she said. "And they were parachuting in those amenities at all of these trailheads and then saying that because the amenities are there, we have to pay to walk the trail," she said.

The Forest Service cannot charge a fee to access trailheads in the forests that don't have amenities, she said.

Senior U.S. District Court Judge Terry J. Hatter Jr. in 2014 sided with the plaintiffs, ruling that an Adventure Pass fee cannot be levied if people enter the forests but don't use the amenities.

The Forest Service filed a notice of appeal, but after lengthy negotiations, agreed to a settlement, Benzar said.

Under the settlement, the Forest Service agreed to stop charging for mere access to nearly 400,000 acres of public land, she said. Instead, the service will only charge

a fee for use of sites with the legally required amenities.

The Forest Service further agreed that if the amenities are located at a trailhead, there must be free parking available within one-half mile for those who only want to access the trail and not use the amenities, she said.

The plaintiffs agreed to let fees continue to be charged in parking areas that are the closest to trailheads that have a cluster of nearby amenities.

"That was a compromise by the plaintiffs to allow them to reach a settlement," Benzar said. "If you're parked in those areas, you're presumed to be using amenities. That was so the Forest Service can efficiently enforce fee payment where fees are legal." A list of the 66 sites in the four forests that contain amenities and trailheads is included in the agreement. The list includes the Piedra Blanca site north of Ojai in Los Padres. At each of the sites, the Forest Service has agreed to begin posting signs indicating where the fee area parking boundary begins.

"It is our understanding that there will be no fee enforcement at these sites until the signs are in place," Benzar said.

Fragosa said "this settlement was good because it forced the Forest Service to finally recognize that they do have to follow the law and that there are consequences if they don't. So it turned out well."

The settlement agreement, including Exhibit A — a list of the 66 sites — can be accessed online at: http://www.westernslopenofee.org/wp-content/uploads/2016/06/Settlement_Agreement-with-signatures_amended.pdf

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