People would no longer have to buy an Adventure Pass to spend a day in areas run by the Forest Service, as long as they don't use amenities such as restrooms or picnic tables, under a recent court decision.

The 9th U.S. Circuit Court of Appeals ruled this month that the Forest Service can't charge fees for simply parking, hiking, picnicking along roads or trails, or camping in undeveloped sites.

In its decision, the court cited the Federal Lands Recreation Enhancement Act, which bans such fees. The decision applies to national forest land in all Western states.

It was good news for Alasdair Coyne, conservation director of Keep Sespe Wild and one of many outdoor enthusiasts who have been fighting the Adventure Pass fee for years.

"This is a major victory to make sure the American public can go for a walk in the national forest without buying a pass to do so," Coyne said.

The Forest Service charges people $5 a day or $30 a year for the pass, which is required in heavily visited areas of the Los Padres, Angeles, San Bernardino and Cleveland national forests. Hikers must have a pass, for example, to park along Highway 33 in Rose Valley above Ojai. The passes generally are not sold on-site and must be bought beforehand.

The passes can be a nuisance, said Cindy Wyels, a math professor at CSU Channel Islands and a regular hiker.

"As a user, it's something of an inconvenience if you have to get somewhere that sells them when you're heading out into the wilderness," Wyels said. "I would like to see the forests better funded."

The pass was introduced in 1996 and has faced opposition since. Alan Sanders, president of Ormond Beach Observers, was one of those who fought against the pass, saying it amounted to double taxation. Also, people sometimes had trouble finding places to buy it, he said.
"It was unfair to people who weren't really using the resources but still having to pay," Sanders said.

The Forest Service has 90 days to appeal the ruling. It's unclear whether it will appeal or require the pass in the meantime. Its offices were closed Monday for Presidents Day, and officials could not be reached for comment.

The case stemmed from an Arizona lawsuit in which four hikers argued the Forest Service was illegally charging fees in the Mount Lemmon area of the Coronado National Forest, near Tucson. The Forest Service didn't charge fees to people who drove through the area and only stopped at pullouts or those without a car. But it charged $5 to people who parked, then hiked, picnicked or camped in undeveloped areas.

Such a fee is illegal under the Recreation Enhancement Act, Judge Robert W. Gettleman wrote in the court's opinion, filed Feb. 9.

He compared two kinds of picnickers to explain the court's thinking. "The Forest Service fails to distinguish — as the statute does — between someone who glides into a paved parking space and sits at a picnic table enjoying a feast of caviar and champagne, and someone who parks on the side of the highway, sits on a pile of gravel, and eats on old baloney sandwich while the cars whizz by," the opinion says. "The agency collects the same fee from both types of picnickers. That practice violates the statute's plain text."

The ruling was unusually clear and unambiguous, said Scott Silver, executive director of Wild Wilderness, based in Bend, Ore.

"The judge basically said the law was totally clear and there was only one possible interpretation," Silver said.