Outdoor recreationists who access Los Padres National Forest through Paradise Road may soon be able to enter for free, according to a recent federal appeals court ruling.

A federal appeals court ruled earlier this month that visitors to national forest land can enter for free, calling into question the future of the U.S. Forest Service's Adventure Pass program.
Santa Barbara resident Alex Magana and his sons, from left, Hector, Luis and Franky, walk near the Red Rock trailhead off Paradise Road Monday afternoon.

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Visitors to Los Padres National Forest may soon no longer be required to pay a fee for hiking, camping or picnicking in the forest's undeveloped areas.

In a unanimous ruling handed down earlier this month, the U.S. Court of Appeals for the Ninth Circuit found that the U.S. Forest Service may not charge fees for recreational visitors who park at trailheads.

The case was brought by four visitors to Coronado National Forest in southeast Arizona who argued that the Forest Service was "impermissibly imposing fees" on those who were not using forest facilities and services.

The ruling is binding on Forest Service land in all western states, according to Oregon attorney Mary Ellen Barilotti, who represented the plaintiffs.

"The case was very broad," Ms. Barilotti told the News-Press. "It said, basically, unless you're actually using the facilities that the Forest (Service) provides, you don't have to pay anything."

Although it is unclear what immediate effect the ruling has on the fee structure at Los Padres National Forest, the decision was welcomed by those who have advocated for eliminating the Adventure Pass program, which requires visitors to pay $5 for a daily pass or $30 for an annual pass.

"I think it's a great win for people who believe that the Forest Service shouldn't be charging us to go for a hike in the woods," said Ojai resident Alasdair Coyne.

A longtime critic of the agency's fee program, Mr. Coyne expects that fees levied for parking along Paradise Road in Santa Barbara will soon be terminated.

"It should be the case that they scale back the program and keep the fees to the developed sites," said Mr. Coyne, co-founder of the conservation nonprofit Keep Sespe Wild.

The fee program started in 1997 as a way to offset a decline in appropriated federal funding for the agency's recreation and resource programs. At least 80 percent of fee revenues are used on local site improvements.

The Adventure Pass is exclusive to Southern California and is required to enter designated areas of Los Padres, Angeles, Cleveland and San Bernardino national forests.

The court published its 16-page ruling on Feb. 9, including an opinion by Judge Robert Gettleman, who wrote that the Forest Service's fee structure violates the Federal Lands Recreation Enhancement Act, which limits the agency's fee assessment capabilities.

According to Ms. Barilotti, who is a former Santa Barbara area resident, most activists believed the Forest Service would cease charging fees for hiking, picnicking or camping in undeveloped areas of forest lands after the act's passage in 2004.

Instead, the agency designated 96 "high impact recreation areas," across the country, where visitors are charged a fee upon entrance for all activities. In his ruling, Judge Gettleman criticized the Forest Service's claims that its fees comply with the REA.

"The REA clearly contemplates that individuals can go to a place offering facilities and services
without using the facilities and services and without paying a fee," Judge Gettleman wrote. Although he believes that visitors to the forest will always be willing to pay for access to developed campgrounds, Mr. Coyne told the News-Press that most local residents don't buy the agency's pay-to-play argument. "Those forests are being maintained by our tax dollars and we shouldn't be paying again when we go to visit them," he said.
The Forest Service has 90 days to appeal the ruling, Ms. Barilotti said. She believes the language in the decision will make it difficult for the agency to succeed on appeal. "The language in the case was pretty strongly worded," Ms. Barilotti said. "I don't think they would prevail in a motion for reconsideration."
Attempts to reach a Forest Service representative for comment on Presidents Day were unsuccessful.
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