JUDGE ENDS FEES AT SOCAL NATIONAL FORESTS FOR THOSE WHO PARK & HIKE

Yellow flowers can be seen on the Chorro Grande Trail, which starts off Highway 33 and climbs to about 7,000 feet in the Los Padres National Forest.

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Visitors do not have to pay a fee to enter national forests in Southern California if they do not use bathrooms, picnic tables or other amenities, a federal judge determined this week.

Four hikers, including two from Ojai, filed a lawsuit in late 2012 challenging the U.S. Forest Service’s right to charge visitor fees at Los Padres, Angeles, San Bernardino and Cleveland national forests.

Senior U.S. District Court Judge Terry J. Hatter Jr. on Monday agreed that the fee, called an Adventure Pass, cannot be levied if people use the forests but not amenities such as campgrounds.

Adventure Passes are $5 for a day or $30 for a year.

“If all a person wants to do is park and have a picnic or go for a hike or camping or backpacking, they do not have to pay a fee,” said Matt Kenna, the hikers’ Colorado-based attorney. “Now if you go and use a developed campground then you will have to pay a fee, as you should.”

John Heil, U.S. Forest Service press officer for the Pacific Southwest Region, said the forest service is reviewing the decision and had nothing further to add at this time.
Alasdair Coyne, conservation director of the Keep Sespe Wild group, said he was pleased with Hatter’s ruling.

The Ojai man was ticketed a couple years ago for parking and hiking in Rose Valley. Instead of fight the ticket, he joined the lawsuit.

“The fee law that was enacted in 2004 very clearly stated that there could not be fees charged for parking (and hiking),” Coyne said. “This is a clear-cut ruling and the message couldn’t be more clear.”

The fee law is formally called the Federal Lands Recreation Enhancement Act. It allows for fees in “high-impact” recreation areas that have amenities such as picnic tables, developed parking and security.

The lawsuit that led to Monday’s decision followed several legal challenges to the fees in recent years.

In February 2012, the 9th U.S. Circuit Court of Appeals sided with plaintiffs who sued the Forest Service over fees at Mount Lemmon in Arizona.

The Forest Service went too far in levying those fees on visitors who parked their cars to hike, picnic or camp on land that hadn’t been improved, the Arizona suit alleged.

Fees are used for improvements such as purchasing toilets or picnic tables, officials have said.

Kenna said that while the decision in the Mount Lemon case applied only to that forest, he and others expected the Forest Service to apply the ruling at other sites.

When that didn’t happen, the local lawsuit was filed. Both sides tried to hammer out a deal last year but were unable to reach consensus, Coyne said.

In light of Monday’s decision, which only applies to four Southern California forests, Kenna said he expected the federal agency to eliminate the fee at additional locations.

“If they don’t start following this in other forests, we will just keep suing them,” Kenna said.