

Federal judge limits use of Adventure Pass in Southern California forests

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Wednesday, May 7, 2014

sgvtribune.com

The San Gabriel Valley Tribune (<http://www.sgvtribune.com>)

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Agency can't charge fees for entering undeveloped regions, or for anyone not using facilities



A federal judge has ruled that the U.S. Forest Service can no longer charge fees to visitors who hike, walk and bike in the undeveloped regions of the Cleveland, Los Padres, Angeles and San Bernardino national forests.

U.S. District Court Judge Terry Hatter Jr. ruled in favor of four hikers who were tired of paying fees to hike in these popular Southern California forests, often called the backyard of Los Angeles.

The ruling is a victory for hikers and opponents of the 17-year-old federal Adventure Pass program.

The Forest Service improperly required all visitors to purchase the \$5 daily or \$30 annual pass upon entering any portion of these forests, even when they didn't use developed facilities, according to the ruling.

Hatter's ruling ordered the Forest Service to stop charging the fee to those who don't use any services or developed facilities.

"The Forest Service is prohibited from charging a fee solely for parking," Hatter wrote.

The Forest Service is reviewing last week's ruling. In the meantime, visitors can park for free unless they use amenities like toilets or picnic tables.

"They can't charge a person who doesn't use the facilities," said Matt Kenna, attorney for the hikers. "Just because there is a picnic table next to a trail head, they still can't charge that person."

The Forest Service has been overhauling fees nationwide, spurred in part by similar lawsuits.

In February 2012, the U.S. 9th Circuit Court ruled in favor of the same four hikers who contested paying a fee without using any facilities while hiking on Mt. Lemmon within the Coronado National Forest in Arizona. Judge Robert Gettleman wrote: "Everyone is entitled to enter national forests without paying a cent."

The 9th Circuit ruled that charging a fee, such as the Adventure Pass, even for someone who visits an area with amenities but doesn't use them, violates the Federal Lands Recreation Enhancement Act.

But Kenna said the U.S. Forest Service said the ruling was in Arizona and did not apply to the Adventure Pass program in Southern California forests.

Instead, the four plaintiffs: Richard Fragosa and Alasdair Coyne of Ojai, Peter Wiechers of Kernville and John Karevoll of Running Springs sued Randy Moore, regional forester of the Southwestern Region in federal court.

In December, before the federal court ruling, the Forest Service announced it would offer more free areas in the Angeles and San Bernardino forests, particularly in San Gabriel Canyon and the Mt. Baldy area. The proposed shrinking fee program would allow millions of Southern Californians to enter the forest without paying for an Adventure Pass.

It is not clear how much revenue the Forest Service would lose under the new court ruling. Also, Kenna said he had not heard if the agency was going to appeal.

The Forest Service collected \$1.2 million in fees in the Angeles forest in 2011. Of that total, \$795,179 was spent on maintenance and repairs, \$204,562 on visitor services and \$43,066 on collecting the fees, according to the 2011 Forest Service Recreation Program Fee Accomplishment Report.

In the San Bernardino forest, \$1.38 million was collected in revenues and \$364,000 was spent on maintenance and repairs; \$282,295 on visitor services and \$373,446 on cost of collections, which included collections on the Angeles, Cleveland and Los Padres forests as well, according to the 2011 report.

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