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Santa Barbara Independent

Adventure Pass Challenged, Again

By Matt Kettmann (Contact)



Paul Wellman (file)

Adventure Pass

Two Ojai Residents Sue to Make Forest Service Enforce Laws

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Last February, a federal court ruled that the Forest Service could no longer make people pay money to visit those parts of national forests where there are no developed areas for recreation, such as bathrooms and campgrounds, and ordered that changes be made to fix the matter within 90 days.

But as of today, six months later, the Forest Service administrators “haven’t done a thing,” explained Kitty Benzar, an attorney representing a group of concerned forest users in a new civil lawsuit designed to make the federal agency comply with the ruling. From her office in Durango, Colorado, Benzar explained that the Ninth Circuit Court of Appeals decision affected the Los Padres National Forest that surrounds Santa Barbara, but explained that forest officials all over the West Coast seem to be debating which forest is affected by the decision, even though the ruling clearly had nationwide implications.

“What in the world do they think they’re doing to just ignore the Ninth Circuit Court of Appeals?” asked Benzar, whose clients include two Ojai men who have been fighting against the Adventure Pass program from more than a decade. “I’m not crazy about having to sue, but I don’t know what else to do when a federal agency isn’t following the law. You can’t call the Sheriff and have the district ranger arrested.”

She further explained that the Forest Service has stopped issuing Adventure Pass tickets, which does seem to comply with the ruling, but it also has the effect of not forcing the matter into criminal courts. Hence, Benzar is representing Alasdair Coyne and Richard Fragosa of Ojai, John Karevoll of Running Springs, and Peter Wiechers of Kernville in this civil suit. “It’s a rogue agency,” said Benzar. “They get away with not following the law because they don’t get sued. They only follow the law when they get sued.”

Los Padres National Forest spokesperson Andrew Madsen could not comment on pending litigation, but did say that a national study on recreational areas is nearly complete, and will likely result in changes to where the Adventure Pass is required locally.

Comments

Important correction: I am not an attorney. The attorneys handling the Adventure Pass case are Rene Voss and Matt Kenna. You can read the lawsuit at <http://www.westernslopenofee.org/pdfu...>

I am the President of the Western Slope No-Fee Coalition (WesternSlopeNoFee.org) and we are providing support for the lawsuit. I regret that Matt got the wrong idea and wanted to set the record straight.

Kitty Benzar