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## Lawsuit could upend operations of Recreation.gov

By **Randall Brink** February 25, 2023

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### News and Analysis

[Addendum added 2:00 p.m., February 27]

*Wilson, et al., v. Booz Allen Hamilton, Inc., et al.*

*Note: I received a communication on Monday, February 27, from the media relations office of Booz Allen Hamilton, Inc. The firm issued a statement regarding this lawsuit. It has been added at the end of this article. RB*

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A federal lawsuit filed in U.S. District Court in Alexandria, VA, could upend the operation of [Recreation.gov](https://www.recreation.gov), the website that RVers and other recreational users must use to reserve campsites on federal lands.

Since 2018, the U.S. government has outsourced the operation of Recreation.gov to Booz Allen Hamilton (“Booz Allen”) of Fairfax, VA, a vast international consulting firm and major U.S. federal contractor. During that time, Booz Allen redesigned the Recreation.gov website and smartphone app and began taking reservations. The company created a fee structure for its services that included an array of fees for making campground reservations, acquiring hiking and river rafting permits, drive-through vehicle permits for national parks and monuments, and other recreational activities. Recreation.gov reveals no disclosure that the site is operated by any entity other than the federal land agencies. The use of the top-level domain attribute “.gov” adds to the opaque nature of the site.

### Lawsuit filed for refunds of “Junk Fees”

On February 11, 2023, the Washington, D.C., law firm Tycko & Zavareei LLP filed a lawsuit against Booz Allen Hamilton, Inc. over the fees on behalf of seven plaintiffs, requesting certification as a class action. Plaintiffs are seeking more than \$5 million in refunds of fees the law firm calls “Junk Fees” and compensatory and punitive damages.

In their complaint, plaintiffs aver that their case is about holding Booz Allen, a multibillion-dollar for-profit federal contractor, responsible for forcing American consumers to pay “Ticketmaster-style Junk Fees” to access National Parks and other federal recreational lands in violation of the Federal Lands Recreational Enhancement Act (“FLREA”).

The complaint cites many so-called Junk Fees, such as those that Recreation.gov charges users through the Recreation.gov website and app. They include, among other things, “park access reservation fees,” “processing fees,” “reservation fees,” “permit fees,” “lottery fees,” and “cancellation fees.”

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The lawsuit differentiates between the so-called junk and bogus fees and does not include “use fees” lawfully charged and retained by the Federal Agencies and not paid to Booz Allen.

## 13 federal agencies use Recreation.gov

Altogether, 13 federal agencies use Recreation.gov for reservation services for consumer access to their lands: the Bureau of Land Management, Bureau of Reclamation, Bureau of Engraving and Printing, Federal Highway Administration, National Archives & Records Administration, National Oceanic & Atmospheric Administration, National Park Service, Presidio Trust, Smithsonian Institution, Tennessee Valley Authority, Fish and Wildlife Service, U.S. Army Corps of Engineers and US Forest Service. Booz Allen processed more than 9 million transactions in 2021 alone through Recreation.gov.

This is not the first time Booz Allen has been summoned to federal court over the issue of charges prohibited by the FLREA. According to court testimony in *Kotab v. Bureau of Land Management*, a 2022 case challenging the Bureau of Land Management’s (BLM) authority to assess a \$2 processing fee for entry to the Red Rock Canyon National Conservation Area, the court ruled that the fee violated the FLREA. While collecting and dispersing the “processing fees,” money is collected through Recreation.gov, routed to the U.S. Treasury, then reimbursed to Booz Allen.

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Even when a federal agency does not charge a fee, such as a timed entry permit at a National Park, Booz Allen, through Recreation.gov, levies a transaction fee to process each permit.

The case seeks to hold Booz Allen responsible for forcing American consumers to pay what it calls “hundreds of millions of dollars in Ticketmaster-style Junk Fees” to access National Parks and other federal recreational lands, as well as to prevent Booz Allen from charging such fees in the future.

## Millions of reservations

From 2002 until 2018, the federal government ran Recreation.gov and facilitated millions of reservations to National Parks and other federal lands. The website takeover by Booz Allen in 2018 was done under an exclusive contract that court documents assert gave the consulting firm “broad discretion and autonomy independent of the Federal Agencies, along with the exclusive authority to determine the amount of fees” charged to consumers through Recreation.gov.

In seeking class action certification, the suit divides the plaintiffs into classes—a national class, including every consumer who paid fees through Recreation.gov, military veterans, disabled veterans, Gold Star Families (survivors of U.S. military personnel killed in action), and specific aggrieved consumers who are residents of the states of California, Florida, New York, Utah, and Washington.

The lawsuit seeks declaratory judgment of the court that the fees charged by Booz Allen violated 16 U.S.C. § 6801 (the FLREA) and amounted to unjust enrichment as a predicate to awarding actual, compensatory, and statutory damages.

## This lawsuit could impact every person who has used Recreation.gov

*Wilson v. Booz Allen Hamilton, Inc.* has the potential to impact every person in the USA who has used Recreation.gov to



make a reservation for the recreational use of federal lands. All such persons are covered by inclusion in the national class of the action. If successful, plaintiffs will receive restitution of the fees not allowed by the FLREA and could score compensatory and punitive damage awards as well. The case also asks the court to enjoin the defendant from continuing to charge the disputed fees and to force them to "provide truthful, accurate and prominently displayed disclosures to consumers to reflect that Booz Allen operated Recreation.gov."

*RVtravel.com* will continue to monitor this important federal case and report developments. Booz Allen Hamilton, Inc. has until March 10, 2023, to file its answer.

Addendum: On Monday afternoon, February 27, I received the following statement from Ashley Howard, Senior Associate in the Booz Allen Media Relations and Corporate Affairs Office:

Booz Allen is aware of a complaint recently filed in Virginia federal court related to Recreation.gov. Its allegations are grossly inaccurate and reflect a fundamental lack of understanding of Booz Allen's work supporting the government. We are proud of our work and the value that Recreation.gov provides. We will vigorously defend against these meritless claims.

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