

1 Aditya Dynar
Az. Bar No. 031583
2 Pacific Legal Foundation
3100 Clarendon Blvd., Suite 1000
3 Arlington, VA 22201
Telephone: (202) 888-6881
4 ADynar@pacificlegal.org

5 Jacob Haas*
Cal. Bar No. 366556
6 Luke Wake*
Cal. Bar No. 264647
7 Pacific Legal Foundation
555 Capitol Mall, Suite 1290
8 Sacramento, CA 95814
Telephone: (916) 419-7111
9 JHaas@pacificlegal.org
LWake@pacificlegal.org

10 *Pro Hac Vice

11 Attorneys for Plaintiff

12
13 **IN THE UNITED STATES DISTRICT COURT**
14 **FOR THE DISTRICT OF ARIZONA**

15 Across Arizona Tours, LLC,

16 Plaintiff,

17 v.

18 Doug Burgum, in his official capacity as
19 Secretary of the U.S. Department of the
Interior; U.S. Department of the
20 Interior; Brooke Rollins, in her official
capacity as Secretary of the U.S.
21 Department of Agriculture; U.S.
Department of Agriculture; Jessica
22 Bowron, in her official capacity as
Acting Director of the National Park
23 Service; National Park Service,

24 Defendants.

No.

COMPLAINT

1 1. The National Parks are some of our country’s greatest attractions.
2 Millions of international visitors flock to our shores each year to admire the
3 breathtaking vistas of the Grand Canyon, the rocky majesty of Half Dome at
4 Yosemite, the kaleidoscopic hot springs of Yellowstone, and so much more.

5 2. This tourism is good for Americans, as it contributes to local and
6 national economies. By the National Park Service’s (“NPS”) own estimate,
7 visitor spending in communities near national parks resulted in a \$56.3 billion
8 benefit to the U.S. economy in 2024. *See 2024 National Park Visitor Spending*
9 *Effects*, National Park Service (Sept. 2025).

10 3. But in January 2026, NPS began imposing new and dramatically
11 higher fees on international tourists.

12 4. These new fees have had an adverse effect on Plaintiff Across
13 Arizona Tours, which has predictably lost business from would-be tourists who
14 are now opting against visiting the Grand Canyon. *See* Ex. A, Declaration of
15 Carole Stapleton (“Stapleton Decl.”) ¶ 7.

16 5. Now nonresident visitors aged 16 and older must pay a \$100 per-
17 person fee on top of the standard \$20–35 entrance fee to visit eleven of the
18 largest National Parks. Alternatively, NPS allows nonresidents to enter these
19 parks if they pay \$250 to obtain an “Annual Pass”—which is more than three
20 times the \$80 fee charged to U.S. citizens and residents.

21 6. These fees are both unprecedented and unlawful.

22 7. The U.S. Constitution gives Congress—not the Executive
23 Branch—the exclusive power to make law. *See* U.S. Const. art. I, § 1; *see also*
24 *id.* art. IV, § 3, cl. 2 (vesting Congress with the exclusive power to “make all
25 needful Rules and Regulations respecting ... [the] Property belonging to the
26 United States.”)

27 8. Accordingly, federal agencies, like NPS, have no inherent
28 authority to impose fees. They may impose fees only to the extent that

1 Congress has authorized them to do so by enacted law.

2 9. But Congress has never authorized NPS to impose higher entrance
3 fees for nonresidents. Nor has Congress authorized the federal defendants to
4 charge higher fees for nonresidents to obtain the “Annual Pass.”

5 10. NPS is authorized to charge general entrance fees to the public
6 under the Federal Lands Recreation Enhancement Act (“FLREA”). But
7 nothing in FLREA gives authority to charge higher fees to international
8 visitors. On the contrary, FLREA denies authority for such fees.

9 11. Likewise, FLREA authorizes the federal defendants to charge a
10 general fee for anyone to obtain the Annual Pass. But FLREA does not
11 authorize heightened fees for nonresident tourists.

12 12. The federal defendants ignore both the explicit and implicit
13 limitations on their authority. In doing so, they presume a boundless authority
14 to impose whatever fees they deem fit.

15 13. That elastic view of their authority is wrong—not least because it
16 would violate separation of powers for Congress to delegate an unbounded
17 authority to impose different fees for any group, or for any reason.

18 **JURISDICTION AND VENUE**

19 14. The Court has subject matter jurisdiction over this action
20 pursuant to 28 U.S.C. § 1331 and 5 U.S.C. §§ 702, 706.

21 15. The Court has authority to issue declaratory and injunctive relief
22 pursuant to 28 U.S.C. §§ 2201–2202 and to vacate unlawful agency action
23 under 5 U.S.C. § 706.

24 16. Venue is proper under 28 U.S.C. § 1391(e)(1)(B), (C), because
25 Defendants are agencies and officers of the United States; Plaintiff resides
26 within the District of Arizona; this action does not involve real property within
27 the meaning of the federal venue statute; and “a substantial part of the events
28 or omissions giving rise to the claim occurred” in Arizona. *See* 5 U.S.C. § 703

(venue for actions under the Administrative Procedure Act is generally proper in “a court of competent jurisdiction”).

PARTIES

17. Plaintiff Across Arizona Tours is a small business located in Arizona that provides one- and two-day guided tours to tourists at different locations in Arizona, including the Grand Canyon.

18. Across Arizona Tours has a Commercial Use Authorization that allows the company to operate inside the Grand Canyon and provide guided van tours at the park.

19. The company prides itself on providing exciting and memorable tours in a relaxing environment with friendly and knowledgeable hosts, who help tourists appreciate the beauty and history of the sites they visit.

20. Across Arizona Tours has standing to bring this action, because it has been adversely affected by the implementation of the Entrance and Annual Pass Fees.

21. Defendant Doug Burgum is the Secretary of the Interior. He is being sued in his official capacity as Secretary of the Interior.

22. Defendant U.S. Department of the Interior is an executive agency responsible for implementing the Nonresident Entrance Fee, and is also responsible, in part, for implementing the Nonresident Annual Pass.

23. Defendant Brooke Rollins is the Secretary of Agriculture. She is being sued in her official capacity as Secretary of Agriculture.

24. Defendant U.S. Department of Agriculture is an executive agency responsible, in part, for implementing the Nonresident Annual Pass.

25. Defendant Jessica Bowron is the Acting Director of the National Park Service. She is being sued in her official capacity as Acting Director of the National Park Service.

26. Defendant National Park Service is an executive agency

1 responsible for enforcing the Nonresident Entrance Fee, and is also
2 responsible, in part, for implementing the Nonresident Annual Pass.

3 **GENERAL ALLEGATIONS**

4 **The President's Executive Order and the Secretaries'** 5 **Implementation**

6 27. On July 3, 2025, the President issued Executive Order 14314 titled
7 "Making America Beautiful Again By Improving Our National Parks."

8 28. In it, he directed the Secretary of the Interior to "develop a strategy
9 to increase revenue and improve the recreational experience at national parks
10 by appropriately increasing entrance fees and recreation pass fees for
11 nonresidents in areas of the National Park System that charge entrance fees
12 or recreation pass fees as defined in 16 U.S.C. 6801" and to "work[] with the
13 Secretary of Agriculture ... to increase the prices at which the America the
14 Beautiful Pass [is] sold to nonresidents."

15 29. On November 25, 2025, the Department of the Interior announced
16 that, starting January 1, 2026, nonresidents without an Annual Pass would
17 pay a \$100 per-person nonresident entrance fee in addition to the standard
18 \$20–35 entrance fee that residents pay at certain National Parks.

19 30. The Nonresident Entrance Fee must be paid by visitors aged 16
20 and older, who are neither U.S. citizens nor foreigners residing in the United
21 States.

22 31. The Nonresident Fee must be paid for at eleven of the largest and
23 most-visited National Parks, which include Acadia, Bryce Canyon, Everglades,
24 Glacier, Grand Canyon, Grand Teton, Rocky Mountain, Sequoia & Kings
25 Canyon, Yellowstone, Yosemite, and Zion.

26 32. At the Grand Canyon, a resident family entering the park by car
27 must pay \$35. But an identical nonresident family of four (with two adults)
28 would likely pay \$235 in entrance fees—nearly seven times what a resident

1 family would pay per person.

2 33. The Department of the Interior also announced that, starting
3 January 1, 2026, the Annual America the Beautiful Recreation Pass (“Annual
4 Pass”) would cost \$250 for nonresidents—which is more than three times the
5 \$80 fee charged to American citizens and U.S. residents.

6 34. The Annual Pass covers entrance fees for the holder and anyone in
7 their vehicle if they enter the park via car, or the holder plus three additional
8 people if entering any other way.

9 **NPS’s General Management Authority Does Not Authorize Fees**

10 35. Congress created the National Park System with enactment of the
11 National Park Service Organic Act (“NPS Organic Act”) in 1916.

12 36. Congress established the Grand Canyon as a National Park to be
13 “dedicated and set apart ... for the benefit and enjoyment of the people ...” in
14 1919. Ch. 44, 40 Stat. 1175; 16 U.S.C. § 221.

15 37. The Grand Canyon National Parks Act did not authorize entrance
16 fees. But it did (temporarily) permit the County of Coconino to “levy and collect
17 [certain] tolls” until such time as the Secretary of Interior should “negotiate ...
18 for the purchase of [the] Bright Angel Toll Road and Trail.” 16 U.S.C.A. § 224.

19 38. The Grand Canyon is managed under the authority of the
20 Secretary of Interior, pursuant to the NPS Organic Act. 16 U.S.C.A. § 221b.

21 39. The Organic Act charges NPS, under the direction of the Secretary
22 of Interior, with managing the National Park System to advance the twin goals
23 of “conserve[ing] the scenery, natural and historic objects, and wild life in the
24 System[,]” and “provid[ing] for the enjoyment of [those resources] in such
25 manner and by such means as will leave them unimpaired for the enjoyment
26 of future generations.” 54 U.S.C. § 100101.

27 40. As such, the Organic Act gives the Secretary of Interior authority
28 to “prescribe such regulations as [he] ... considers necessary or proper for the

1 use and management of System units.” 54 U.S.C.A. § 100751.

2 41. But nothing in the Organic Act authorizes NPS to impose fees.

3 42. Instead, Congress has separately enacted statutes authorizing
4 NPS to impose entrance fees.

5 **Congress Authorizes Limited Fees Under FLREA**

6 43. Today, the Federal Lands Recreation Enhancement Act (“FLREA”)
7 prescribes the Secretary of Interior’s fee-setting authority for five different
8 federal agencies—NPS, the United States Fish and Wildlife Service, the
9 Bureau of Land Management, the Bureau of Reclamation, and the Forest
10 Service.

11 44. It is the sole federal statute governing how fees may be established
12 and imposed on park visitors.

13 45. Previously, Congress had authorized fees under the Land and
14 Water Conservation Fund Act of 1965, 16 U.S.C. § 4601-6a(a)–(b), and the Fee
15 Demonstration Program of 1996. 16 U.S.C. § 4601-6a n.(b)(1)–(2). But
16 Congress enacted FLREA in 2004 to repeal and replace those prior authorities.
17 *See* 16 U.S.C. § 6812.

18 46. Congress was intentionally “prescriptive” because the goal was to
19 “alleviate concerns of those who no longer trust[ed] ... federal land
20 management agencies with the [existing] recreation fee authority.” H.R. Rep.
21 No. 108-790 (2004); S. Hrg. 108-57.

22 **Entrance Fee Authority Under FLREA**

23 47. Section 6802 of FLREA is the sole section in FLREA that governs
24 the Secretary of the Interior’s ability to establish recreation fees on federal
25 lands. Section 6813(d) confirms that “[r]ecreation fees charged under this
26 chapter shall be in lieu of fees charged for the same purposes under any other
27 provision of law.” 16 U.S.C. § 6813(d).

28 48. Accordingly, in Subsection 6802(a), FLREA authorizes the

1 Secretary to “establish, modify, charge, and collect recreation fees at Federal
2 recreational lands and waters *as provided for in this section.*” 16 U.S.C.
3 § 6802(a) (emphasis added).

4 49. FLREA clarifies that entrance fees are a form of recreation fees,
5 stating that “the term ‘recreation fee’ means an entrance fee, standard amenity
6 recreation fee, expanded amenity recreation fee, or special recreation permit
7 fee.” *Id.* at § 6801(7).

8 50. FLREA provides that the “Secretary of the Interior may charge an
9 entrance fee for a unit of the National Park System.” *Id.* at § 6802(e)(1). But
10 this provision does not authorize special fees for nonresidents.

11 51. FLREA provides that, when the Secretary establishes an entrance
12 fee (or any recreation fee), “the amount of the [] fee shall be commensurate
13 with the benefits and services provided to the visitor. *Id.* at § 6802(b)(1).

14 52. Additionally, when deciding the amount of such fees, the Secretary
15 must consider (2) “the aggregate effect of recreation fees on recreation users
16 and recreation service providers”; (3) “comparable fees charged elsewhere and
17 by other public agencies and by nearby private sector operators”; (4) “the public
18 policy or management objectives served by the recreation fee”; (5) “input from
19 Recreation Resource Advisory Committees”; and (6) “any other factors or
20 criteria determined by the Secretary.” *Id.* at §§ 6802(b)(2)–(6).

21 53. The authority to establish recreation (and entrance) fees that are
22 “commensurate with the benefits and services provided to the visitor” is not an
23 authority to impose special fees on nonresident visitors.

24 54. Nothing in the text of FLREA authorizes special fees for
25 nonresidents.

26 55. Congress was explicit when it wanted NPS to deviate from the
27 general entrance fee authorized under 16 U.S.C. § 6802(e)(1).

28 56. FLREA provides that no entrance fee may be charged to “any

1 person under 16 years of age,” those visiting as part of “outings conducted for
2 noncommercial educational purposes by schools or bona fide academic
3 institutions,” and “any person engaged in a nonrecreational activity authorized
4 under a valid permit issued under any other Act, including a valid grazing
5 permit.” *Id.* at § 6802(d)(3)(A), (B), and (J).

6 57. But FLREA does not mention either residency or nonresidency as
7 a status bearing on the amount an individual must pay to visit the national
8 parks.

9 58. And contrary to any assertion that FLREA authorizes nonresident
10 fees to be imposed on top of the general entrance fee, the Act requires that “the
11 Secretary ... shall avoid the collection of multiple or layered recreation fees for
12 similar uses, activities, or programs.” 16 U.S.C. § 6802(c).

13 **Annual Pass Authority Under FLREA**

14 59. FLREA provides the Secretaries of Agriculture and the Interior
15 with joint authority to create an Annual Pass.

16 60. Subsection 6804 provides that “the Secretaries shall establish, and
17 may charge a fee for, an interagency national pass to be known as the ‘America
18 the Beautiful—the National Parks and Federal Recreational Lands Pass.’” 16
19 U.S.C. § 6804(a)(1).

20 61. Once purchased, the America the Beautiful—the National Parks
21 and Federal Recreational Lands Pass (“Annual Pass”) covers “entrance fee[s]
22 and standard amenity fee[s] for all Federal recreational lands ...” including
23 National Parks. *Id.* The Annual Pass is valid for 12 months from the date of
24 issuance. *Id.* at § 6804(a)(4).

25 62. FLREA provides that “the Secretaries shall establish the price at
26 which the [] Pass will be sold to the public.” *Id.* at § 6804(a)(5).

27 63. But nothing in Section 6804 (or anywhere else) authorizes the
28 Secretaries to establish a higher price for nonresidents.

1 64. And the Secretaries have no authority to establish different passes
2 with different fees because FLREA prohibits “the Secretary [from] ...
3 establish[ing] any national recreation pass, except as provided in this section.”
4 *Id.* at § 6804(a)(9).

5 65. FLREA requires that anyone wishing to obtain an Annual Pass
6 must pay “the price” the Secretaries have “establish[ed][.]” *id.* at § 6804(a)(5),
7 unless they qualify for a reduced or waived fee under the express conditions
8 Congress established in Subsection 6804(b).

9 66. For example, FLREA authorized free lifetime passes for “any
10 veteran,” and “[a]ny member of a Gold Star family,” *id.* at § 6804(b)(2), (3).

11 67. And Congress authorized a free lifetime pass for “any United
12 States citizen or person domiciled in the United States who has been medically
13 determined to be permanently disabled.” *See id.* at § 6804(b)(2)(A).

14 68. Likewise, Congress authorized a discounted \$20 Annual Pass for
15 “any United States citizen or person domiciled in the United States who is 62
16 years of age or older.” *Id.* at § 6804(b)(1)(A), (i).

17 69. But while Congress explicitly made residency and citizenship a
18 requirement to qualify for these specific fee reductions and waivers, FLREA
19 does not otherwise mention residency requirements.

20 70. Congress did not impose residency and citizenship criteria
21 anywhere else in either Section 6804 or FLREA more generally.

22 **Injury to Across Arizona Tours**

23 71. Across Arizona Tours does substantial business with nonresident
24 tourists who pay for guided tours at the Grand Canyon. *See* Stapleton Decl.
25 ¶ 6.

26 72. As a result of the new fees, Across Arizona Tours has suffered a
27 decline in business over the past year among nonresident customers. *Id.* at ¶ 7.

28 73. Given the potential for hundreds of dollars of additional fees for a

1 family visiting, many potential customers have chosen to forgo visiting the
2 Grand Canyon entirely, opting instead to visit different destinations in the
3 U.S. or to plan to visit and spend their money on other countries. *Id.* at ¶ 8.

4 74. Across Arizona Tours' Member co-owner, Carole Stapleton, has
5 spoken to 80–90 potential nonresident customers who decided not to reserve a
6 tour with the company, most of whom indicated that their decision was related
7 to the increased fees. *Id.* ¶ 9.

8 75. A nonresident family of four with two adults traveling on one of
9 their buses would likely pay either \$235 in entrance fees or \$250 for the
10 Nonresident Annual Pass just to visit the Grand Canyon one time. *Id.* ¶ 10.

11 76. Further, NPS's residency requirement has created friction with
12 some customers who view questions about their residency as invasive. *Id.* ¶ 11.

13 77. The company used to give tours of the Grand Canyon to foreign
14 students at Arizona State University but has stopped providing the tours
15 altogether due to the new residency requirements. *Id.* ¶ 12.

16 78. NPS has publicly indicated that it expects tour companies
17 operating under a Commercial Use Authorization to know the number of
18 nonresidents and Annual Pass holders prior to entering the park, so that their
19 drivers can provide this information to NPS fee collectors. *See* Ex. B,
20 Nonresident Fees on Commercial Tours: Frequently Asked Questions,
21 National Park Service.

22 79. NPS also expects tour drivers to pay the whole amount of entrance
23 fees due for their patrons, including all applicable nonresident fees. *Id.*

24 80. NPS has also stated that if its fee collectors believe tour companies
25 are not providing accurate information about their customers' residency
26 status, they "will have to implement stricter compliance measures which no
27 one wants, such as checking IDs of Pass Holders or all Passengers which will
28 lengthen the Transaction Times" and delay the tours from starting. *See* Ex. C,

1 NPS Guidance (January 21, 2026).

2 81. As a result of NPS's actions, Across Arizona Tours has had to
3 meaningfully alter its business practices. *See* Stapleton Decl. ¶ 17.

4 82. NPS's expectation that companies verify their customers'
5 residency status has led to increased administrative burdens for Across
6 Arizona Tours and its employees. *Id.* at ¶ 16.

7 **DECLARATIVE AND INJUNCTIVE RELIEF ALLEGATIONS**

8 83. All preceding paragraphs are incorporated herein by reference.

9 84. Across Arizona Tours is harmed by the unlawful Entrance and
10 Annual Pass Fees. *Id.* at ¶¶ 7, 16–17.

11 85. The Defendants' nonresident entrance and Annual Pass fees have
12 harmed Across Arizona Tours by causing them to lose business, and by
13 prompting the company to implement changes to its business practices. *Id.*

14 86. A decision that declares the Nonresident Entrance Fee and the
15 Nonresident Annual Pass to be outside the scope of the executive branch's
16 authority under FLREA, or that FLREA is an unconstitutional delegation of
17 legislative power to the Executive, and that enjoins the enforcement of the
18 Entrance and Annual Pass Fees would eliminate a barrier that prevents their
19 customers from doing business with them, would reduce the company's
20 administrative burden, and would allow the company to continue offering tours
21 to Arizona State students. *Id.* at ¶¶ 6, 12, 16–17.

22 87. Across Arizona Tours has no plain, speedy, and adequate remedy
23 at law for its injuries. Monetary damages are not available in this case.

24 88. This case is currently justiciable because the Entrance and Annual
25 Pass Fees were put into effect on January 1, 2026.

26 89. Therefore, declaratory and injunctive relief are appropriate to
27 resolve this controversy.
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99. Congress was also explicit under FLREA when it wanted to authorize special fee rules for different groups; however, Congress deliberately chose not to allow the Secretary to charge nonresidents or other groups higher fees. *See id.* at § 6802(d)(3)(A), (B), and (J).

100. Additionally, Congress was explicit in other parts of FLREA when it wanted to include residency as criteria for certain discounted or free Annual Passes but deliberately chose not to discuss them as criteria that the Secretary could use to set recreation fees. *See* 16 U.S.C. § 6804(b)(1)(A)(i), (2)(A).

101. Because Congress did not authorize the Nonresident Entrance Fee, it was created “in excess of statutory jurisdiction, authority, or limitations,” in violation of 5 U.S.C. § 706(2)(C).

COUNT II

VIOLATION OF THE ADMINISTRATIVE

PROCEDURE ACT, 5 U.S.C. § 706(2)(C)

RULE IN EXCESS OF STATUTORY AUTHORITY

102. The preceding paragraphs are incorporated herein by reference.

103. The APA requires this Court to hold unlawful and set aside any agency action that is “in excess of statutory jurisdiction, authority, or limitations, or short of statutory right.” 5 U.S.C. § 706(2)(C).

104. FLREA does not authorize either a specific Nonresident Annual Pass or higher Annual Pass fees for nonresidents.

105. In fact, Congress provided that the Secretaries “may not establish any national recreation pass, except as provided in [Section 6804].” 16 U.S.C. § 6804(a)(9).

106. The Department of the Interior sells the Nonresident Annual Pass as a standalone, separate product in addition to other versions of the Annual Pass.

107. Section 6804 establishes that, as a general rule, the Secretaries of

1 the Interior and Agriculture may only create one Annual Pass, available at one
2 price to the public generally. *See id.* at § 6804(a)(1) (“The Secretaries shall
3 establish, and may charge *a fee* for, *an interagency national pass*”) (emphasis
4 added); 6804(a)(5) (“The Secretaries shall establish *the price* at which *the* []
5 *Pass* will be sold to *the public*”) (emphasis added).

6 108. Congress created a few, narrow exceptions to allow for different
7 pricing for specific groups, such as citizens and residents older than 62 or who
8 are permanently disabled. *See id.* at §§ 6804(b)(1)(A)(i), (b)(2)(A).

9 109. With these exceptions, Congress was explicit when it wanted the
10 Secretaries to consider visitors’ residency and citizenship status and did not
11 authorize the Secretaries to consider them anywhere else in the statute.

12 110. The Nonresident Annual Pass is a separate Annual Pass, sold at a
13 higher price, without any specific congressional authorization.

14 111. Because the Secretaries created and sold a separate Nonresident
15 Annual Pass that was not authorized by FLREA, the Nonresident Annual Pass
16 was created “in excess of statutory authority, jurisdiction, authority, or
17 limitations,” in violation of 5 U.S.C. § 706(2)(C).

18 COUNT III

19 VIOLATION OF THE U.S. CONSTITUTION, NONDELEGATION 20 DOCTRINE, AND SEPARATION OF POWERS, 5 U.S.C. § 706(2)(B)

21 112. The preceding paragraphs are incorporated herein by reference.

22 113. The APA requires this Court to hold unlawful and set aside any
23 agency action that is “contrary to constitutional right, power, privilege, or
24 immunity.” 5 U.S.C. § 706(2)(B).

25 114. The U.S. Constitution vests all lawmaking powers in Congress,
26 U.S. Const. art. I, § 1, and forbids Congress from giving away these powers.

27 115. For a statutory delegation to be valid, the statute must establish a
28 general policy guiding administrative discretion.

116. Additionally, the statutory text must impose objective boundaries on an agency's discretion.

117. If the Secretary is correct that FLREA gives him the authority to impose higher fees on nonresidents, then there is nothing limiting him from imposing higher fees on any other group.

118. Accordingly, if FLREA is construed as giving the Secretary of the Interior a free-floating ability to “consider such other factors or criteria as determined appropriate by” him in setting entrance fee amounts, then it unlawfully delegates legislative power. 16 U.S.C. § 6802(b)(6).

119. Subsection 6802(b)(6), in allowing the Secretary to consider any factors or criteria he wants, gives the Secretary virtually unlimited power to impose recreation and entrance fees.

120. Under such an interpretation, the Secretary could justify imposing higher fees for any group he deems fit.

121. FLREA does not give the Secretary guidance in deciding what fees can be imposed on visitors at National Parks or impose meaningful limitations on his authority under FLREA, which violates the separation of powers.

122. Defendants’ nonresident entrance fees were promulgated “contrary to constitutional right, power, privilege, or immunity[,]” in violation of 5 U.S.C. § 706(2)(B).

COUNT IV

**VIOLATION OF THE U.S. CONSTITUTION, NONDELEGATION
DOCTRINE, AND SEPARATION OF POWERS, 5 U.S.C. § 706(2)(B)**

123. The preceding paragraphs are incorporated herein by reference.

124. The APA requires this Court to hold unlawful and set aside any agency action that is “contrary to constitutional right, power, privilege, or immunity.” *Id.*

125. If FLREA is construed as giving the Secretaries of the Interior and

1 Agriculture the ability to impose whatever Annual Pass fees they want, then
2 it again violates the nondelegation doctrine.

3 126. Subsection 6804(a)(5) merely says that “the Secretaries shall
4 establish the price at which the [Annual] Pass” is sold to the public. 16 U.S.C.
5 § 6804(a)(5).

6 127. The statutory text establishes no general policy guiding the
7 Secretaries as to how they should set the price that an Annual Pass will be sold
8 for.

9 128. Subsection 6804(a)(5) also imposes no boundaries limiting the
10 Secretaries’ authority to issue Annual Pass fees or limiting how high such fees
11 may be set.

12 129. Whereas Section 6802 requires that entrance fees must be
13 commensurate with the benefits conferred and gave the Secretary of the
14 Interior additional criteria to consider in setting recreation fees under
15 subsection 6802(b), Section 6804 has no similar provision.

16 130. FLREA does not provide the Secretaries with any guidance in
17 creating Annual Pass fees or imposing meaningful limitations on their
18 authority under FLREA and thus violates the separation of powers.

19 131. Defendants’ nonresident Annual Pass fees were established
20 “contrary to constitutional right, power, privilege, or immunity[.]” in violation
21 of 5 U.S.C. § 706(2)(B).

22 **PRAYER FOR RELIEF**

23 **WHEREFORE**, Plaintiff demands judgment in its favor granting the
24 following relief:

- 25 1. A declaratory judgment that the Nonresident Entrance Fee is in
26 excess of its statutory authority, or alternatively that FLREA is an
27 unlawful delegation of legislative power and the Nonresident
28 Entrance Fee is an improper exercise of Congress’s legislative

power;

2. A declaratory judgment that the Nonresident Annual Pass is in excess of its statutory authority, or alternatively that FLREA is an unlawful delegation of legislative power and the Nonresident Annual Pass is an improper exercise of Congress's legislative power;
3. An order holding unlawful and setting aside or vacating the Nonresident Entrance Fee;
4. An order holding unlawful and setting aside or vacating the Nonresident Annual Pass;
5. An injunction prohibiting the National Park Service, the Department of the Interior, and their officers, employees, and agents from applying or enforcing the Nonresident Entrance Fee;
6. An injunction prohibiting the National Park Service, the Department of the Interior, the Department of Agriculture, and their officers, employees, and agents from applying or enforcing the Nonresident Annual Pass;
7. An award of reasonable attorneys' fees and costs, pursuant to 28 U.S.C. § 2412, or any other applicable authority; and
8. Such other relief the Court deems just and proper.

1 DATED: September 28, 2026.
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5 /s/ Aditya Dynar
6 Aditya Dynar
7 Az. Bar No. 031583
8 Pacific Legal Foundation
9 3100 Clarendon Blvd.
Suite 1000
Arlington, VA 22201
Telephone: (202) 888-6881
ADynar@pacificlegal.org

10 Jacob Haas*
11 Cal Bar No. 366556
12 Luke Wake*
13 Cal Bar No. 264647
14 Pacific Legal Foundation
15 555 Capitol Mall
16 Suite 1290
17 Telephone: (916) 419-7111
18 JHaas@pacificlegal.org
19 LWake@pacificlegal.org

20 *Attorneys for Plaintiff Across*
21 *Arizona Tours*

22 **Pro Hac Vice*
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