

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

CENTER FOR BIOLOGICAL DIVERSITY,
378 N. Main Avenue
Tucson, AZ 85701

Plaintiff,

v.

DOUGLAS BURGUM, Secretary,
U.S. Department of the Interior
1849 C Street, N.W.
Washington, DC 20240

U.S. DEPARTMENT OF THE INTERIOR,
1849 C Street, N.W.
Washington, DC 20240

NATIONAL PARK SERVICE,
1849 C Street, N.W.
Washington, DC 20240

BROOKE ROLLINS, Secretary,
U.S. Department of Agriculture
1400 Independence Avenue, S.W.
Washington, DC 20250

and

U.S. DEPARTMENT OF AGRICULTURE,
1400 Independence Avenue, S.W.
Washington, DC 20250

Defendants.

Civil Action No.: 25-4285

**COMPLAINT FOR DECLARATORY
AND INJUNCTIVE RELIEF**

INTRODUCTION

1. Through this suit, the Center for Biological Diversity challenges unlawful actions by the Secretaries of the Interior and Agriculture and their respective agencies (collectively “the Secretaries”) related to their decision to issue the 2026 Annual America the Beautiful—the

National Parks and Federal Recreational Lands Pass (“Annual America the Beautiful Pass” or “Annual Pass”) without complying with the Federal Lands Recreation Enhancement Act, 16 U.S.C. §§6801-6814 (“FLREA”).

2. In disregard for the plain language of FLREA, the Secretaries have violated the statute’s requirements for public participation, along with its conservation, recreational, and educational purposes, by unlawfully turning the Annual America the Beautiful Pass into a partisan political platform for President Trump. In so doing, the Secretaries have violated FLREA and the Administrative Procedure Act, 5 U.S.C. §§ 500-706 (“APA”).

3. FLREA, enacted in 2004, sets forth a comprehensive scheme for the collection and expenditure of fees for public access to, and recreational use of, hundreds of millions of acres of public lands administered by the Secretaries. Central to FLREA’s scheme is the creation and use of the Annual America the Beautiful Pass, a multiagency pass that provides convenient and cost-effective public access to lands under the Secretaries’ jurisdiction for which an entry fee is charged.

4. Among its numerous public-participation requirements, FLREA mandates that the Secretaries hold an annual photography contest to select the winning image that will appear on the Annual Pass for a year, and that the contest be open to the public and be used to educate the American people about our public lands. 16 U.S.C. § 6804(a)(2). The official rules governing the contest require that “the photo must be taken on federal public lands or waters” and any submissions that are “are highly controversial, inappropriate, indecent or obscene” are disqualified. The rules allow disqualification of images that have been “noticeably and/or excessively altered.”

5. Since FLREA’s passage, the issuance of the America the Beautiful Pass has been a great success. It has been purchased by millions of people and generates many tens of millions of

dollars for management of public lands, while motivating tens of thousands of individuals to participate in the annual photography contest.

6. However, on November 25, 2025, the Department of the Interior announced, among other changes, that the Annual America the Beautiful Pass would bear an image of President Trump, not the contest-winning image of Glacier National Park as shown here:



7. Instead, the unlawful 2026 Annual Pass showing President Trump's image (along with that of George Washington, first President of the United States) appears as follows:



8. The Interior Department's bait-and-switch betrays the expectations of the thousands of people who participate in the contest and is directly at odds with the public participation mandates of the statute. It also undermines the stability of this well-established program and the conservation, recreational, and educational outcomes FLREA provides. The Secretaries action violates the explicit mandates FLREA, and thus is arbitrary and capricious, an abuse of discretion, and otherwise not in accordance with law within the meaning of the APA, 5 U.S.C. § 706.

JURISDICTION

9. The Court has jurisdiction over this action pursuant to 28 U.S.C. § 1331 (federal question) and 5 U.S.C. § 702 (APA). The relief sought is authorized by 28 U.S.C. § 2201 (declaratory judgment), 28 U.S.C. § 2202 (injunctive relief), and 5 U.S.C. §§ 701-706.

PARTIES

10. Plaintiff CENTER FOR BIOLOGICAL DIVERSITY (“the Center”) is a non-profit 501(c)(3) corporation incorporated and existing under the laws of the State of California, with its headquarters in Tucson, Arizona. The Center has over 93,000 members throughout the United States and the world. The Center’s mission is to ensure the preservation, protection, and restoration of biodiversity, native species, ecosystems, public lands and waters, and public health through education, science, policy, and environmental law. Based on the understanding that the health and vigor of human societies and the integrity and wildness of the natural environment are closely linked, the Center is working to secure a future for animals and plants hovering on the brink of extinction, for the ecosystems they need to survive, and for a healthy, livable future for all of us. The Center carries out its activities on behalf of itself and its members.

11. The protection of wildlife, wildlands, ecosystems, and recreational opportunities on public lands administered by the agencies governed by FLREA is central to the Center’s mission.

The Center and its members have a long history of involvement in actions and activities on public lands subject to FLREA, including lands managed by the National Park Service, Bureau of Land Management, Fish and Wildlife Service, Bureau of Reclamation, and Forest Service. The Center's members regularly visit these public lands for recreational, scientific, educational, spiritual, and aesthetic purposes. The Center and its members rely upon the proper functioning of FLREA to ensure a consistent and reliable funding stream for the creation, operation, and maintenance of the visitor amenities which they utilize and upon which they depend.

12. Numerous Center members purchase the Annual America the Beautiful Pass each year. Center members purchase the Annual Pass to support NPS and other land management agencies, as well as for the cost and time savings and other logistical benefits that use of the pass provides. Absent Annual America the Beautiful Pass purchases by Center members and other similarly situated members of the public, NPS and other land management agencies would be deprived of essential funding for their operations. Any such decline in funding would result in the diminishment of the amenities that the public, including Center members, rely upon, harming their recreational, scientific, educational, spiritual, and aesthetic interests.

13. Center members also purchase the Annual America the Beautiful Pass for the benefits it directly provides them. For example, at many National Park units with high visitor use and consequent entrance backlogs, such as Joshua Tree National Park, visitors with an Annual America the Beautiful Pass can enter the park unit via a bypass lane by showing their Pass rather than waiting in a separate, longer line to pay a one-time entrance fee. At other public land sites where fees are otherwise required, having the Annual Pass can allow the visitor to proceed directly to a trailhead or parking area, rather than having to backtrack to an agency office during its limited open hours to pay a one-time fee. Consequently, having a pass can mean the difference between a

visitor having a positive recreational experience, or having their intentions to use the park, forest, or other public land site frustrated by delays, or precluded entirely. In sum, having an Annual America the Beautiful Pass is for many people including Center members an essential element of their use and enjoyment of public lands in furtherance of their recreational, scientific, educational, spiritual, and aesthetic interests. Any action by the Secretaries that would prevent, impair, or discourage Center members from purchasing an Annual America the Beautiful Pass would impair these interests, harming the Center and its members.

14. The Center and its members are harmed by the Secretaries' unlawful disregard of the public participation opportunities mandated by FLREA. Thousands of Americans, including Center members, enter the photography contest required by FLREA to choose an image for the Annual Pass. The Secretaries' decision to ignore the results of last year's FLREA contest and replace the winning image of Glacier National Park with one of President Trump renders such public participation meaningless, harming not just the winner of the most recent contest, but anyone, including Center members, who has competed in the contest or considered competing in the current or a future contest.

15. The Secretaries' unlawful decision to place Trump's image on the Annual America the Beautiful Pass also harms the interests of members of the public, including Center members, who intended to buy a 2026 Annual Pass but now face the Hobson's choice, on one hand, of having to participate in unlawful partisan activity they disagree with and being subjected to a recurring aesthetic harm from buying and using an Annual Pass adorned with Trump's visage rather than Glacial National Park (or another wilderness or wildlife scene consistent with the purposes of the statute), or on the other hand, forgoing entirely the monetary and other benefits of buying a pass to

which they are otherwise entitled to purchase under FLREA. Such harms to their interests would not occur absent the Secretaries' illegal actions.

16. Defendant DOUGLAS BURGUM is the Secretary of the U.S. Department of the Interior. Secretary Burgum is the highest-ranking official within the Interior Department, and in that capacity has ultimate responsibility for the administration and implementation of FLREA within the Interior Department and its agencies, including the National Park Service, and for compliance with all other applicable federal laws. Secretary Burgum is sued in his official capacity.

17. Defendant UNITED STATES DEPARTMENT OF THE INTERIOR ("DOI") manages and ostensibly protects the Nation's natural resources and cultural heritage. DOI manages more than 500 million acres of public lands, 700 million acres of subsurface minerals, and 3.2 billion acres of the Outer Continental Shelf. DOI lands subject to FLREA, and made accessible via the America the Beautiful Pass, include lands administered by the National Park Service, Bureau of Land Management, Bureau of Reclamation, and Fish and Wildlife Service.

18. Defendant NATIONAL PARK SERVICE ("NPS") is a federal agency tasked with administering 433 national parks, national monuments, and other protected areas units covering more than 85 million acres. NPS administers the National Parks and Federal Recreational Lands Pass for all agencies of DOI and the Department of Agriculture that are subject to FLREA.

19. Defendant BROOKE ROLLINS is the Secretary of the U.S. Department of Agriculture. Secretary Rollins is the highest-ranking official within the Agriculture Department, and in that capacity has ultimate responsibility for the administration and implementation of FLREA within the Agriculture Department, and for compliance with all other federal laws that apply to the department and its agencies, including the Forest Service. Secretary Rollins is sued in her official capacity.

20. Defendant UNITED STATES DEPARTMENT OF AGRICULTURE (“USDA”) is a federal agency that is responsible for, *inter alia*, the Forest Service, which administers the nation’s 154 national forests and 20 national grasslands covering 193 million acres of land.

LEGAL AND FACTUAL BACKGROUND

A. Federal Lands Recreation Enhancement Act

21. The Federal Lands Recreation Enhancement Act, 16 U.S.C. §§6801-6814 (FLREA), enacted in 2004, authorizes five agencies to charge and collect recreation fees on federal recreational lands and waters. The agencies are NPS, Bureau of Land Management, Bureau of Reclamation, and Fish and Wildlife Service, all within DOI, and the Forest Service within USDA. The agencies retain the collected fees primarily for use on projects and programs that enhance recreational facilities and services.

22. Congress enacted FLREA to provide a framework for federal agencies to collect recreation fees and use them to enhance visitor experiences. FLREA authorizes entrance fees, standard amenity fees, expanded amenity fees, and special recreation permit fees. FLREA mandates that the majority of fee revenues be retained and expended at the sites where they are collected, facilitating long-term planning and infrastructure investment.

23. A cornerstone of FLREA is that it creates an interagency recreation fee program. Each FLREA agency has a distinct mission and provides different services to the public, but there is significant overlap in the agencies’ goals and policies regarding the visiting public. FLREA facilitates efficiencies and interagency coordination and creates a more seamless experience for visitors to lands and waters managed by the different agencies.

24. As the Secretaries noted in their 2024 Report to Congress on FLREA, the statute “has been instrumental in enabling federal agencies to provide consistent, safe, and high-quality

recreational opportunities on federal lands and waters.” The Secretaries summarized need for and importance of FLREA as follows:

Federal lands and waters host hundreds of millions of recreational visits every year. [FLREA] enables federal agencies to provide consistent, safe, and high-quality recreation amenities, sites, and services for visitors. Visitation to federal lands and waters, including visitation to recreation fee sites authorized by FLREA, has a sizable effect on the economy, supporting over 820,000 jobs and contributing over \$60 billion to the national economy in 2022. These achievements would not be possible without the important features of FLREA that foster the interagency Recreation Fee Program, enable collection of fees from visitors at sites across the country, and facilitate the use of those fees at the locations where they were collected to sustain and enhance visitor experiences.

25. The Secretaries’ 2024 Report to Congress shows that in 2023, the agencies charged FLREA fees at then-existing sites as follows: Of the Forest Service’s nearly 30,000 recreation sites, 3,936 sites collected fees. Of the Bureau of Land Management’s 3,400 developed recreation sites, 402 charged fees. Of 568 the Fish and Wildlife Service’s refuges, 131 sites charged fees. Of 429 NPS units, 157 charged a fee. Of Bureau of Reclamation’s more than 245 sites with developed recreation, four charged a fee.

26. Annual recreation fee revenue generally has increased since enactment of FLREA. In Fiscal Year 2023, the agencies collected \$601.7 million total, with \$482.3 million collected at or for specific recreation fee sites and \$119.4 million from sales of interagency passes. Most revenue came from NPS (74%), with lesser amounts from the Forest Service (18%), Bureau of Land Management (6%), Fish and Wildlife Service (1%;), and Bureau of Reclamation (less than 1%).

27. The agencies are required to use fee revenues for purposes specified in FLREA that aim to benefit visitors directly. They include facility maintenance, repair, and enhancement, interpretation and visitor services, law enforcement, and habitat restoration.

28. Central to FLREA's scheme is the creation and use of the America the Beautiful—the National Parks and Federal Recreational Lands Pass as a multiagency pass that provides convenient and cost-effective public access to the various lands under the Secretaries' jurisdiction. (16 U.S.C. § 6804(a)(1)):

The Secretaries shall establish, and may charge a fee for, an interagency national pass to be known as the "America the Beautiful—the National Parks and Federal Recreational Lands Pass", which shall cover the entrance fee and standard amenity recreation fee for all Federal recreational lands and waters for which an entrance fee or a standard amenity recreation fee is charged.

29. FLREA provides that in addition to the single main Annual America the Beautiful Pass, the Secretaries may provide free or discounted passes of varying time length to an exclusive list of six named demographic groups: free annual passes are available to members of the Armed Forces and their dependents (16 U.S.C. § 6804(b)(3)), discounted annual and lifetime passes are available to U.S. citizens or residents who are 62 years of age or older (16 U.S.C. § 6804(b)(1)), and free lifetime passes are available to disabled citizens and residents, veterans of the Armed Forces, members of Gold Star Families (16 U.S.C. § 6804(b)(2)), and annual passes may be made available to volunteers (16 U.S.C. § 6804(a)(7)).

30. Notably, FLREA explicitly precludes establishment of any new type of America the Beautiful Pass beyond the main Annual Pass and the six additional demographic passes it names. (16 U.S.C. § 6804(a)(9)):

(9) Prohibition on other national recreation passes

The Secretary may not establish any national recreation pass, except as provided in this section.

31. Although FLREA's obligations apply to the Secretaries and the five agencies under their jurisdiction, administration of most aspects of the America the Beautiful Pass has been delegated to NPS.

32. FLREA mandates that the Secretaries hold an annual photography contest to choose the image that will appear on the main Annual America the Beautiful Pass, that the contest be open to the public, and that it be used to educate the American people about their public lands. (16 U.S.C. § 6804(a)(2)):

The Secretaries shall hold an annual competition to select the image to be used on the National Parks and Federal Recreational Lands Pass for a year. The competition shall be open to the public and used as a means to educate the American people about Federal recreational lands and waters.

33. The Secretaries and NPS have contracted with the National Parks Foundation to run the contest. The National Park Foundation has partnered with Booz Allen Hamilton, which operates the Regulations.gov website. The contest is housed at www.sharetheexperience.org.

34. The official rules governing the contest require that “the photo must be taken on federal public lands or waters” and that any submissions that are “are highly controversial, inappropriate, indecent or obscene” and “noticeably and/or excessively altered” are disqualified.

35. As summed up by the Secretaries in their 2021 Report to Congress, the contest has garnered significant public participation, and the winner’s photograph has appeared on the subsequent America the Beautiful Pass:

Each year the agencies hold a Share the Experience Photo Contest, and the winner’s photograph is featured on the following year’s Annual Passes and Volunteer Pass and accompanying decal.... Since 2006, participants have submitted more than 208,000 photographs of the nation’s federal lands. In total, 85,515 entries were submitted between 2015 and 2020.

36. Every winning Annual America the Beautiful Pass in the 12 years prior to 2026 was photographed on federal lands or waters, was not controversial or inappropriate, nor noticeably or excessively altered, and by its beauty and subject matter “educate[d] the American people about Federal recreational lands and waters.” As noted below, these images depict, in reverse

chronological order: Everglades National Park, Wupatki National Monument, Sequoia & Kings Range National Park, San Juan National Forest, Redwood National Forest, Bridger-Teton National Forest, Acadia National Park, Aransas National Wildlife Refuge, Glen Canyon National Recreation Area, Arctic National Wildlife Refuge, Pictured Rocks National Lakeshore, and Nantahala National Forest.



37. Notwithstanding the requirements of FLREA, in November 2025, the Secretaries announced changes to the implementation of the Annual Pass, including dispensing with the requirement that the contest winner's picture appear on the Annual Pass.

B. The 2026 Annual America the Beautiful Pass

38. In June 2025, the National Parks Foundation announced that from among 7,000 contestants, a photograph of Glacier National Park (*See infra* at ¶6) was chosen as the grand prize winner and thus, as mandated by FLREA, 16 U.S.C. § 6804(a)(2), “will be featured on the America the Beautiful—the National Parks and Federal Recreational Lands Annual Pass.”

39. In a press release dated November 25, 2025, DOI announced what it called “the most significant modernization of national park access in decades.” Among the changes were actions mandated by FLREA, such as implementing a digital pass. However, other changes are not mandated by or are directly at odds with FLREA, such as dispensing with some of the previous free-admission days – most notably, Martin Luther King, Jr. Day and Juneteenth – and adding several others including “Flag Day/President Trump’s birthday.” DOI limited these new free days to “residents-only.”

40. In what it called “America-first entry fee policies,” DOI announced two new annual passes: an \$80 Annual America the Beautiful Pass for U.S. residents, and a \$250 Annual America the Beautiful Pass for nonresidents. Nonresidents without an annual pass would be charged \$100 to enter the most popular National Parks. Neither pass is contemplated or allowed by FLREA.

41. The press release also announced “new, modernized graphics for all annual passes, featuring bold, patriotic designs,” but did not reveal the designs nor so much as announce, let alone explain, the sudden switch to use a picture of President Trump’s face on the main Annual Pass in place of the contest winning photo of Glacier National Park, as announced by the National Parks Foundation in June 2025.

42. On or about November 30, 2025, DOI clarified that the newly created Annual Resident Pass would bear an image of President Trump, and that the newly created Annual

Nonresident Pass would bear the contest-winning photo of Glacier National Park. DOI provided no explanation for why the winning photo does not appear on the Annual Resident Pass or why Donald Trump's image does instead.

43. In addition to not being the winner of the FLREA-mandated contest, the image on the new Annual Resident Pass is not a photograph taken on public lands or waters as mandated by contest and does not educate the public about public lands, as mandated by FLREA. Nor does it comply with the official contest rules' presumption against noticeably or excessively altered images. Portraying a sitting President for the first time in history in lieu of the winner of the photo contest is also "controversial" and "inappropriate" within the meaning of the contest rules.

44. Quite simply, the 2026 Annual Resident Pass as announced by DOI was not, and cannot be, lawfully issued under FLREA, and must be set aside.

PLAINTIFF'S CLAIM FOR RELIEF

Violation of the Federal Lands Recreation Enhancement Act ("FLREA"), 16 U.S.C. §§6801-6814, and the Administrative Procedure Act, 5 U.S.C. § 706

45. Plaintiff incorporates and adopts by reference each of the allegations in paragraphs 1-44.

46. FLREA mandates that the Secretaries hold an annual photography contest to choose the image that will appear on the Annual America the Beautiful Pass, and that the contest be open to the public and be used to educate the American people about their public lands. 16 U.S.C. § 6804(a)(2).

47. In 2024, the Secretaries, via the National Park Foundation, held a contest to choose a photograph to display on the 2026 Annual America the Beautiful Pass.

48. In June 2025, a winner of the photography contest was announced, with an image of Glacier National Park chosen for the 2026 Annual America the Beautiful Pass.

49. In November 2025, the Secretaries announced that instead of the lawful winner of the FLREA contest being used, a photograph of President Trump would adorn a newly created 2026 Annual America the Beautiful Resident Pass.

50. In November 2025, the Secretaries also announced that newly created America the Beautiful Nonresident Pass would display the winning photo.

51. FLREA explicitly precludes the establishment of any new America the Beautiful Pass other than the seven named and described by the statute. 16 U.S.C. § 6804(a)(9).

52. The Secretaries' decision not to apply the winning photo to the main Annual 2026 America the Beautiful Pass, and to instead substitute a photo of Donald Trump, constitutes final agency action that is arbitrary and capricious, an abuse of discretion, and not in accordance with law within the meaning of the APA, 5 U.S.C. § 706.

WHEREFORE, Plaintiff respectfully requests that this Court:

1. Declare Defendants in violation of the Federal Lands Recreation Enhancement Act and the Administrative Procedure Act;
2. Vacate and remand Defendants' decisions related to the 2026 Annual America the Beautiful passes for further consideration and explanation;
3. Enjoin Defendants' use of any America the Beautiful pass that unlawfully displays an image of President Trump unless and until Defendants comply with the Federal Lands Recreation Enhancement Act and Administrative Procedure Act;
4. Award Plaintiffs their costs and attorneys' fees; and

5. Award Plaintiffs such other and further relief as the Court may deem just and proper.

DATED: December 10, 2025

Respectfully submitted,

/s/ Amy R. Atwood
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