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Coalition cries foul at alleged 'forum shopping'

Utah advisory group poised to consider fees at Buckeye

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A Utah recreation resource advisory committee could review and possibly recommend fees for Colorado's Buckeye Reservoir in the Manti-LaSal National Forest.

The Forest Service and Western Slope No-Fee Coalition agree that having such a committee review a proposal for another state is a rare step, if not the first time it's happened in Colorado. They don't agree, however, as to whether it's proper.

"My issue with them is the way they are forum shopping to get the fees approved even though the Forest Service as an agency has a moratorium on any new fees," said Kitty Benzar, the Durango-based coalition's president.

A 2010 letter from the Forest Service's deputy chief asks regional foresters to closely review proposals related to establishing and modifying

fees, in light of financial constraints private and for-profit public lands users are under.

"The rationale seems to be the Colorado recreation resource advisory committee doesn't have a meeting scheduled any time in the near future, and they want to ram this through," Benzar said of the agency's plans to present the Buckeye fees to a Bureau of Land Management RRAC in Utah.

"They've never done anything like this before — I've never seen them take a proposal to a different (recreation resource advisory) committee" to win quicker approval.

The Forest Service has held several meetings and announced its proposed fees for Buckeye Reservoir, situated near Paradox. The fees would apply to recently improved campsites and be used for their maintenance; other, non-improved campsites remain free. (See related box.)

The Forest Service alerted Benzar's organization and others via letter in mid-December that it intends to use the Utah Bureau of Land Management's recreation resource advisory committee to review the Buckeye proposal.

The letter notes the Manti-La Sal's extensive publicity measures on the proposed camping fees, including public meetings and a notice in the Federal Register.

The agency says no forum shopping is involved; rather, it's necessary to move forward so the improved sites can be made available to the public. The Utah RRAC is meeting in March; Colorado's RRAC won't be meeting any time soon.

"Because Manti-La Sal Forest already has a relationship with the Utah RRAC, we decided that might be the better way to go, to talk to them about the site," said Joanna Wilson, the Recreation Enhancement Act regional

SEE BUCKEYE, PAGE A6

BUCKEYE: Forest Service wants to open reservoir's improved campsites ASAP

FROM PAGE 1

coordinator for the Forest Service's Intermountain Region.

"It made sense to go to the Utah RRAC that will be meeting in a more timely manner to move forward. Colorado was not certain when the next meeting would be. We want the public to be able to utilize the campground and for us to be able to open it with all the upgrades that have been made there," she said.

The federal Recreation Enhancement Act became law in 2004 and pro-

vided a 10-year recreation fee authority for the Forest Service, BLM, National Park Service, Fish and Wildlife Service, and Bureau of Reclamation. The act requires advisory committees to make recommendations on recreation fees in each state or region for lands managed by the agencies.

At the time the Recreation Enhancement Act was enacted, no fee structures were applicable to Buckeye, which has since seen significant improvements due to federal stimulus money.

"What we're trying to

do is make this site open to the public and follow (the act) to do it," said Julie Cox, the national recreation RAC coordinator based in the Forest Service's Pacific Northwest Region.

"We have RACs that cover regions, but I don't think (similar) proposals have come up," she said, when asked how often a RAC in one state reviews and recommends fees for sites in another state.

"As far as I know, this is the first place this has even come up. If the Colorado (recreation) RAC was ready, if it was able, to take a look at this, that

would have been the first choice. It's a matter of trying to make this facility available to the public," Cox said.

Benzar says she does not oppose charging a fee for the improved campsites at Buckeye, but she is not persuaded by the Forest Service's explanations. Other improved campsites have been opened to the public before their fee schedules could be set, she noted.

"It still sounds like forum shopping to me," she said. "Colorado has a fully functioning RRAC. Just because it's inconvenient to use the one you're supposed to use doesn't mean you don't have to use it."

Benzar said it seems to her as though the Forest Service approached the Utah BLM's committee because that body is meeting earlier than is Colorado's. Buckeye, she reiterated, is in Colorado,

Fee proposal for Buckeye

- Pioneer Campground, 30 individual campsites — \$10/night
 - Buckeye Group Site — \$50/night
- No other fees are proposed for the recreation area. Improvements cost about \$1.8 million and were paid for with stimulus money. These include single and double campsites, a day-use picnic area, tables, fire rings, a permanent campground host site, boat ramp and directional/interpretive kiosks.

and most of its users are state residents.

"Those are the facts — it's in Colorado. It sounds to me they confirmed everything I'm concerned about," Benzar said.

The Forest Service is talking with the Colorado RRAC members to determine if having the Utah group take up the Buckeye fees is a viable option, Cox said.

"Recreational RACs are vital to the public involvement process, but they're not the entirety of the public involvement

process," she said.

Wilson said the agency wants continued public comment, as well as comments from the Colorado RRAC, to be shared with the Utah committee.

"The site is in Colorado, and we want to provide the RRAC members an opportunity to comment on it," she said.

The Forest Service has also reached out to Gov. John Hickenlooper to see if he has any concerns with the proposed process, Wilson said.

"We've done a lot of outreach because we know it is different to go to Utah, but we want to make sure we get those comments from those people," she said.



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