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Subject: Short Term Direction for Implementation of New Recreation Fee Legislation

To: Regional Foresters, Station Directors, Area Director, IITF Director, and WO Staff

I am pleased that Congress has passed and the President has signed into law long-term recreation fee legislation, the Federal Lands Recreation Enhancement Act (Act), as a part of Omnibus Bill, HR 4818. This gives us a tool for providing enhanced recreation facilities and customer service. Much of what we have been doing under Recreation Fee Demonstration is consistent with the new Act, but this is no longer a demonstration. The advent of this 10-year authority requires that we scrutinize our existing program, redesign for stronger consistency with the Act, reach out to invite community participation, and communicate the benefits we provide.

Congress is expecting us to make a thoughtful transition to implementing the new fee law. Section 13(f) of the Act states “*Effect of Regulations* -- A regulation or policy issued under a provision of law repealed by this section shall remain in effect to the extent such a regulation or policy is consistent with the provisions of this Act until the Secretary issues a regulation, guideline, or policy under this Act that supercedes the earlier regulation.”

While there are portions of the Act that can be implemented immediately, many issues still need to be worked out, including interagency consistency and developing new administrative procedures. I anticipate having implementation guidance and policy in place by early spring. However, full field implementation may occur over the following months. We look forward to implementing this new Act, but we must do so carefully.

For consistency, it is important that we initiate all changes on a thoughtful schedule. It would be premature to announce any changes until we have a complete understanding of how this Act will affect the recreation program. Consequently, do not make any announcements until guidance is provided.

In the interest of consistency in our implementation, DO NOT MAKE ANY CHANGES TO YOUR EXISTING RECREATION FEE PROGRAMS with the following exceptions that address clear inconsistencies with the Act (as defined in Section 13(f)). **Do not charge:**

- at overlooks and scenic pullouts;
- a standard amenity fee to persons under 16 years of age where individual fees are required;
- a standard amenity fee for outings conducted for non-commercial educational purposes by schools or bona fide academic institutions;
- entrance fees (please note that most units collecting fees at entrance points are charging for recreation use of facilities and services within an area, not entrance); and



- outfitter and guide permit holders a road cost-sharing fee or a fee for the use of highways or roads (please note this does not preclude the requirement for a special use authorization, permit, and other applicable fees).

In addition, do not expend fee receipts authorized by this Act on the following:

- biological monitoring under the Endangered Species Act of 1973 for listed or candidate species; and
- employee bonuses or awards.

The new Act formalizes existing practices where fees must not be charged:

- for non-commercial use of any road or highway established as a part of the Federal-aid system;
- to exercise a property right to access private land;
- for hunting or fishing activities authorized by specific Federal law or treaty;
- for official government or tribal business;
- for special attention or extra services necessary to meet the needs of disabled persons; and
- for non-recreational activity authorized under a valid permit issued under any other Act, including a valid grazing permit.

During this interim period, it is critical that we do not create any new standard or expanded amenity fee areas or sites, or increase existing fees. Concession campgrounds will continue to be offered for private sector operation. We intend to migrate outfitting and guiding permits and recreation event permits that have traditionally been authorized under Land and Water Conservation Fund Act to the new Recreation Fee authority. However, term permits for ski areas, resorts, marinas, organizational camps, and recreation residences will not be authorized under this Act. Permits should not be amended or modified to change authorities or use codes.

In addition, do not initiate development of recreation resource advisory committees until further guidance is provided.

Consistent with your existing recreation fee program, please continue administering in the following ways:

- Deposit receipts authorized under this Act into existing accounts until new fiscal guidance is provided. Continue tracking revenues and expenditures as previously required. We are working on establishing national job codes for depositing special recreation use receipts;
- Ensure that fee sites/areas are appropriately signed, using existing signing until a new national signing approach is developed;
- Continue to sell and honor existing local, regional, and national passes; and
- Communicate with the public how fee receipts are expended and the ensuing benefits.

I anticipate that we will have a more focused and consistent program within and across agencies. I need you, the Regional Foresters, Forest Supervisors, and Area Directors to take the lead to make this very critical program successful. We must take this opportunity to get it right. This means implementing a sound, sustainable program that is consistent with congressional intent and focused on public benefits.

/s/ Tom L. Thompson
TOM L. THOMPSON
Deputy Chief for National Forest System

Enclosure

cc: Forest Supervisors