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cc Stephen Sherwood/R2/USDAFS@FSNOTES

bcc

Subject REA rules

We are beginning to get some flack from the no fee groups about that fact that we are still charging "entry" fees despite the fact that REA says we can't. Those comments centered around Maroon Valley, Mt. Evans, and the ANRA. While we have a year to finalize all actions to be in compliance with the law we do need plans on how we are dealing with this. Bottom line is for that for HIRAs we need to be very careful about what we do. There are 3 things we need to be very careful of.

1. Law says that if people are driving through they don't have to pay unless they stop to use the facilities. Therefore for all 3 of these areas if people just want to drive through without paying the fee they can. But just as soon as they stop to use a facility they have to pay. Consequently your compliance officers and convenient pay station (formerly entrance station) attendees need to be made aware of this and should be allowing folks to drive through with no fee. Don't advertise this capability, but if the visitor asks you have no choice but to let them through. But be very clear to them that if they stop in any of the areas with facilities they have to pay. Keep in mind that if they stop along the road to have a picnic there is no fee as long as there is no other law, order etc, that prevents them from doing this. Make sure you read the law and interim direction to make sure you are not charging for activities that the act explicitly says you can't charge for. Remember this law is very focused on developed sites and special services.

2. Because of item #1 we need to be providing additional places within the area to pay the fee if the users change their minds while driving through the area and it needs to be convenient. We do not have to provide a fee tube at each individual site.

3. Make sure you have all 6 of the required facilities.

What I need from all these sites is a written plan for how these sites are going to meet these rules. Remember you need to meet these rules by the end of Sept. I need to have these written plans by July 15. It doesn't need to be much. A one page word document with a quick and simple explanation of what you will be doing this summer in order to comply is fine. Please don't just send an e-mail message as I need to keep these documents in a file so I can send them to various people who ask about what you are doing. We have gotten calls from the WO asking what we are doing about these areas not complying so Steve and I need to be able to say more then "we have a year to comply, they are working on it".

I know this all makes it a lot more difficult to administer these fee areas. Keep in mind that this is law and we need to be as close to the letter of the law as we can be. R2 does not need to be the reason we loose this fee authority. The West Slope No Fee Coalition is looking at everything we are doing with a very fine tooth comb.

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