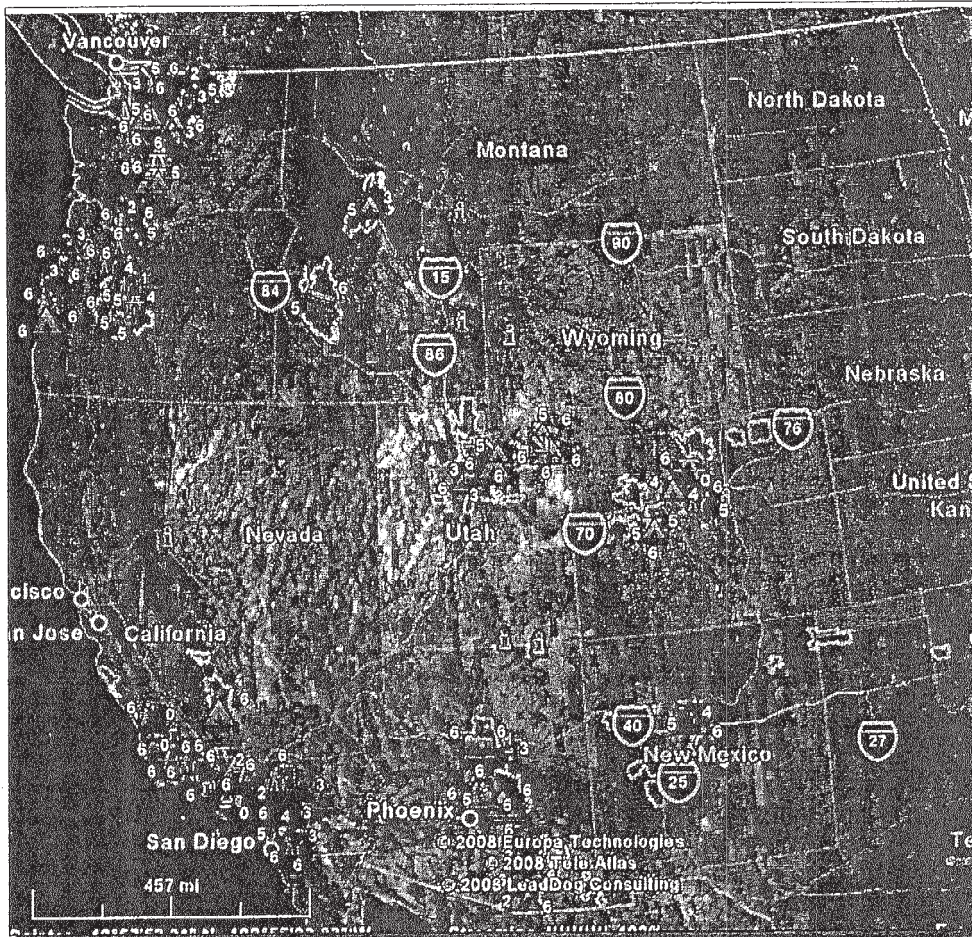




# DRAFT High-Impact Recreation Area Report

May 24, 2009



testHigh Impact Recreation Areas in Western States

RF



Table of Contents

Executive Summary ..... 1

  Review Method ..... 1

  General Findings ..... 2

  Policy Options ..... 2

  Review Products ..... 3

  Next Steps ..... 34

Review Objectives ..... 4

Current Policy ..... 45

  REA ..... 45

  2005 Forest Service Interim Implementation Guidelines ..... 5

  Recreation Directors Meeting ..... 6

  The Wallace Case ..... 6

  The Patterson Case

  Pending HIRA Cases

Analysis of Current Policy ..... 78

Key Considerations for HIRAs ..... 89

Review Data ..... 9

[REDACTED] ..... 9

[REDACTED] ..... 9+0

[REDACTED] ..... 10

[REDACTED] ..... 10

[REDACTED] ..... 10

[REDACTED] ..... 10+1

Synopsis of HIRAs Nationwide ..... 10+1

Consistencies and Strengths

Inconsistencies ..... 11

HIRA Review Team ..... 13

  HIRA Review Team Members ..... 13

  Desired Outcomes ..... **Error! Bookmark not defined.** 13

  Discussion ..... 13

Policy Options ..... 14+5

  Considerations for Designating HIRAs

  Effects of the Proposed Policy on Existing HIRAs

  Proposed Policy

  Key Messages for HIRAs ..... 21

  Recreation RAC Review of the Potential Effects of the Proposed Policy on Existing HIRAs ..... 22

  Appendix A-Lake Como ..... 24

  Appendix B-Lake Como ..... 27

  Appendix C-Lake Como ..... 29

  Appendix D- ..... 30

  Appendix E- ..... 31

(b)(5)

(b)(5)

RIF



## Executive Summary

The Federal Lands Recreation Enhancement Act (REA) (16 U.S.C. 6801-6814) was passed in December 2004. REA benefits visitors to federal lands in many ways. Specifically, REA provides for reinvestment of most of the fee revenue in fee areas; more opportunities for public involvement in determining recreation fee sites and fees; and specific limits on areas and sites where recreation fees can be charged. In implementing REA, the Forest Service developed criteria for high-impact recreation areas (HIRAs). HIRAs are standard amenity recreation fee areas under REA (16 U.S.C. 6802(f)(4)) that typically experience impacts and visitation beyond the boundaries of an individual site or collection of sites.

In the summer of 2007, the Forest Service conducted a comprehensive review of HIRAs to continue to improve implementation of REA. The review looked at what is working well, what could be improved, and what changes could be made to enhance consistency and quality recreation opportunities nationally.

[REDACTED]

Nationwide, 96 HIRAs were reviewed. Some of these are international attractions, such as Maroon Valley in Colorado and Red Rocks in Arizona, while others are extremely popular local attractions, such as San Gabriel Canyon in California.

(b)(5)

### Review Method

1. Existing guidance on HIRAs and standard amenity recreation fees was gathered, including:
  - a. REA.
  - b. The Forest Service's Interim Implementation Guidelines on REA.
  - c. Notes from the May 18, 2005, Recreation Directors meeting.
  - d. The Wallace case, involving a ruling on the Mt. Lemmon HIRA.
2. Using the above guidance, a database was developed to determine how well each HIRA meets existing criteria. Information for the database was gathered by:
  - a. Compiling information stored in the Forest Service's national database (Infra).
  - b. Compiling information gathered on HIRAs as they were being evaluated for consistency with REA in 2005.
  - c. Interviewing HIRA managers.
3. Pertinent information for all HIRAs was placed in GoogleEarth to show their physical features and layout.

**HIRA Report**



4. A HIRA Review Team, consisting of Forest Service recreation staff from across the nation, met in February 2008 to analyze the information gathered. Meetings continued by conference call into the summer of 2008 due to the volume of materials and the complexity of the issues involved.

The HIRA Review Team considered the compiled data, information from HIRA managers, and Forest Service personnel, and, where available, information regarding public support for HIRAs, and questions from Congress and the public about HIRAs.

**General Findings**

Many of the criteria in REA and in the Interim Implementation Guidelines for charging a recreation fee for a HIRA proved difficult to quantify. Terms such as "significant recreation opportunities," "substantial federal investments," and "concentrated recreation use" could have vastly different meanings depending on the local character of each area, unique circumstances, and management needs. This variation presented a challenge for the HIRA Review Team. However, the HIRA Review Team was able to identify basic requirements and key principles regarding HIRA management:

1. [Redacted]
2. [Redacted]
3. [Redacted]
4. [Redacted]

All  
(b)(5)

**Proposed Directives**

The Forest Service proposes to:

- [Redacted]
- [Redacted]
- [Redacted]

[Redacted]

[Redacted]

[Redacted]

All  
(b)(5)

**HIRA Report**



[Redacted text block]

[Redacted text block]

**Review Products**

[Redacted text block]

[Redacted text block]

**Next Steps**

[Redacted text block]

[Redacted text block]

All  
(b)(5)



**HIRA Report**

- [Redacted]
- [Redacted]

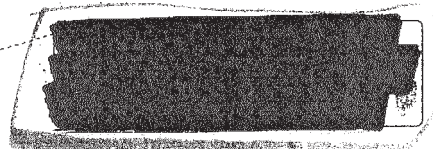
**Review Objectives**

The initial objectives of the HIRA review were to:

1. Ensure that all HIRAs were depicted accurately using nationally consistent information.
2. [Redacted]
3. Ensure that clear and consistent information on HIRAs was developed for Congress, BLM's Recreation RACs, and the public.

Over the course of the HIRA review, the objectives were expanded to:

5. Assess whether the current policy should be revised to enhance the agency's ability to meet these objectives.
6. Develop a revised policy for HIRAs for inclusion in national directives on recreation fee areas.



**Current Policy (2004-2008)**

The review used four documents to identify policy for both identifying and charging fees in HIRAS:

1. REA.
2. The Forest Service 2005 Interim Implementation Guidelines on REA.
3. Notes from the May 18, 2005, Recreation Director's meeting.
4. The Wallace case, involving the Mt. Lemmon HIRA.

**REA**

REA enumerates 9 criteria for charging a standard amenity recreation fee for an area. The area must:

1. Offer significant opportunities for outdoor recreation;
2. Have substantial Federal investments;
3. Allow for efficient fee collection; and
- 4-9. Contain 6 amenities (toilets, picnic tables, permanent trash receptacles, interpretive signing, designated parking, and security services)





REA also prohibits charging recreation fees:

1. Solely for parking, undesignated parking, or picnicking along roads or trails.
2. For general access.
3. For dispersed areas with low or no investment.
4. For driving, walking, boating, hiking, or horseback riding through federal recreational lands and waters without using facilities and services.
5. For camping at recreation sites that do not provide at least 5 of 9 enumerated amenities.
6. For use of overlooks or scenic pullouts.

### ***2005 Forest Service Interim Implementation Guidelines***

The Interim Implementation Guidelines, which the Forest Service has been using in lieu of FSH direction, include the HIRA concept in the definition of "area." The guidelines contain the following definition of a HIRA:

A high-impact recreation area is a clearly delineated, contiguous area with specific, tightly defined boundaries and clearly defined access points (such that visitors can easily identify the fee area boundaries on the ground or on a map/sign); that supports or sustains concentrated recreation use; and that provides opportunities for outdoor recreation that are directly associated with a natural or cultural feature, place, or activity (i.e., waterway, canyon, travel corridor, geographic attraction—the recreation attraction).

The Interim Implementation Guidelines also add the following 4 criteria for HIRAs:

1. They incur significant expenditures.
2. They have been analyzed by regional fee boards, approved by the appropriate line officer, and reviewed by the appropriate Recreation RAC.
3. They cannot be an entire administrative unit.
4. They typically display one or more of the following characteristics:
  - They are within 2 hours drive of a population of 1 million or more;
  - They contain rivers, streams, lakes or interpreted scenic corridors;
  - Natural and cultural resource management activities are conducted in the area to maintain or enhance recreation opportunities; and
  - They have regionally or nationally recognized recreation resources that are marketed for their tourism values.

RIF

## HIRA Report



The Interim Implementation Guidelines also state that no additional standard amenity recreation fee can be charged for day use facilities within HIRAs. Expanded amenity recreation fees or special recreation permit fees may be charged where authorized.

### *Recreation Directors Meeting*

HIRAs were discussed at a recreation directors meeting on May 18, 2005. The directors agreed that all sites and areas within a HIRA should be subject to a standard amenity recreation fee, except where prohibited (i.e., at overlooks and scenic pullouts). Some HIRAs at that time had both free and fee sites. The directors recognized that this approach would impose additional recreation fees for these HIRAs, and therefore agreed not to implement it until additional public involvement, as well as Recreation RAC review, could occur.

### *The Wallace Case*

A criminal case involving non-payment of recreation fees for use of the Mt. Lemmon HIRA in the Coronado National Forest was brought against Christine Wallace in 2006. While the magistrate initially found in favor of Ms. Wallace, the decision was overturned on appeal by the district court judge in January 2007.

The district court's opinion validated the Forest Service's HIRA concept in the Interim Implementation Guidelines. The court found that the Interim Implementation Guidelines were both detailed and comprehensive and properly incorporate and augment the criteria in REA for charging a recreation fee for use of an area.

### *Key Points from the Wallace Case*

The district court in Wallace held that:

[REDACTED]

All  
(b)(5)

[REDACTED]



**HIRA Report**



All  
(b)(5)

[REDACTED]

[REDACTED]

**The Patterson Case**

In June 2008, the same magistrate judge who ruled against the Forest Service in the Wallace case cited the district court's published opinion in the Wallace case in finding against Mr. Patterson on a similar charge involving an unpaid fee for use of the Mt. Lemmon HIRA.

**Pending HIRA Cases**

[REDACTED]



## Analysis of the Current Policy (2004-2008)

Under the Forest Service's current policy on HIRAs, the following applies:

[REDACTED]

All  
(b)(5)

*HIRA fees are charged for use of the required amenities located in the HIRA, not for general access.*

[REDACTED]

[REDACTED]

### Key Considerations for HIRAs

The following key considerations for HIRAs stem from REA and the Interim Implementation Guidelines and the agency's experience implementing current HIRA policy:

1. [REDACTED]
2. [REDACTED]



HIRA Report

- 3. [Redacted]
- 4. [Redacted]
- 5. [Redacted]

[Redacted]

[Redacted]

Review Data

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

All  
(b)(5)



[Redacted text block]

[Redacted text block]

All (b)(5)

[Redacted text block]

Synopsis of HIRAs Nationwide

Table 1: Number and Acreage of All HIRAS

Region	Number of Forests with HIRAS	Total Number of HIRAS	Total HIRA Acres	Percentage of Region in HIRAS
Northern	1	1	440	.03
Rocky Mountain	2	4	18,000	.45
Southwest	4	12	213,000	2.46
Intermountain	4	4	245,000	2.46
Pacific Southwest	5	32	390,000	8.18
Pacific Northwest	7	33	537,000	4.89
Eastern	2	10	4,000	.23

Release

All  
(b)(5)

HIRA Report



Consistencies and Strengths

[Redacted text block containing several bullet points and paragraphs under the heading "Consistencies and Strengths"]

[Redacted text block on the right side of the page]

Inconsistencies

HIRAs vary greatly in terms of size, visitor use, cost to manage, and other elements. Appendix D—Comparison of HIRAs reflects these differences.

- Size ranges from 75 to 190,000 acres.

**HIRA Report**



**HIRA Review Team**

Because of the volume and complexity of information that the HIRA review produced, a HIRA Review Team gathered in February 2008 in Portland, Oregon, to analyze the information.

**HIRA Review Team Members**

- Martha Ketelle, Assistant Director of Recreation
- Katie Donahue, National Recreation Fee Program Manger
- Marcia Heyman, Region 9 Fee Program Coordinator
- Jocelyn Biro, Region 6 Fee Program Coordinator
- Tamara Wilton, Region 5 Fee Program Coordinator
- Jeff Saari, Region 3 Fee Program Coordinator
- Laurie Thorpe, Facilitator and Team Lead for Independent Resources Enterprise Team
- Julie Cox, HIRA Review Coordinator and Independent Resources Enterprise Team Member

ALL  
(b)(5)

Others who later joined the team included Paul Cruz, Region 2 Acting Recreation RAC Coordinator; and Joni Packard, Region 1 Fee Program Coordinator.

**Desired Outcomes**

[Redacted text block containing several lines of obscured text]

**Discussion**

[Redacted text block containing several lines of obscured text]

HIRA Report



Appendix D—  
(See .pdf file with

(b)(5)

A11  
(b)(5)

NO  
FOI

HIRA Report



Appendix E-HIRA Review

[REDACTED]

[REDACTED]

[REDACTED]