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Subject: New Form for Compliance-Related Activities for the Recreation Fee Program

To: Regional Foresters, Assistant Directors and Special Agents in Charge

This letter introduces a new tool for ensuring compliance with recreation fees. The new form, the Notice of Required Fee (NRF), FS-2300-46, will replace a number of local forms currently in use to encourage visitor payment.

Background: Currently, forests are utilizing a tool that is neither a Warning Notice nor a Violation Notice (VN) to encourage recreation fee compliance. Depending on the location, this tool is called a "Notice of Non-Compliance" (NNC), an "Opportunity to Pay," or a "Fee Reminder." NNC is the most common name. The primary users of NNCs are the Tonto National Forest and the Southern Province/Adventure Pass forests of Southern California. NNC forms were developed locally with input from both recreation and law enforcement staff.

NNCs are a non-enforcement compliance tool that provides visitors who have neglected to pay a required recreation fee the opportunity to pay with no law enforcement action. Previous issuance of an NNC does not preclude a law enforcement officer from issuing a warning notice or VN to an individual who fails to pay.

NNCs have allowed forests to improve fee compliance; avoid overburdening the court system with VNs; and retain the recreation fee revenue for reinvestment on the ground. For example, the Southern Province in Region 5 sells approximately 300,000 Adventure Passes per year and issues 40,000 NNCs per year. In fiscal year 2008, issuance of NNCs resulted in approximately \$120,000 in fee payments. The Tonto National Forest sells 250,000 daily Tonto Passes and issues approximately 9,000 NNCs per year. Seventy-two percent of NNC recipients pay the recreation fee. Each unit has its own procedures for issuing and following up on NNCs.

Below is a table of VN issuance by region for reference.

VNs FOR 36 CFR 261.17 <i>(pulled from LEIMARS on 6/8/2009)</i>			
	FY06	FY07	FY08
Region 1	18	91	159
Region 2	216	101	34
Region 3	891	2,405	2,508
Region 4	19	133	121
Region 5	40	40	65
Region 6	1,601	1,162	1,274
Region 8	880	783	935
Region 9	777	591	537
Region 10	3	1	0
TOTAL	4,445	5,307	5,633



Units using NNCs consider them to be critical for recreation fee compliance, as well as good customer service. Several United States Attorneys' Offices support an administrative approach to fee compliance as an alternative to criminal enforcement. Although NNCs are not a criminal enforcement tool, most units use forest protection officers (FPOs) to issue them. While FPOs may be recreation or other staff, rather than law enforcement officers (LEOs), they have law enforcement training and the authority to issue warning notices and VNs. Law enforcement and recreation staffs on units where NNCs are issued have a close working relationship.

Creation of the NRF: Concerns have been raised that NNCs are not distinguishable enough from VNs; that information regarding issuance of NNCs, which are not a criminal enforcement tool, should not be stored in the law enforcement database (LEIMARS); and that NNCs lack consistency and national approval.

To address these concerns, the National Recreation Fee Program Manager formed a team to create a national form, which will be called a "Notice of Required Fee", and direction for utilizing it.

The team agreed on the following roles for law enforcement and non-law enforcement personnel.

- Use of the NRF is optional.
- If an LEO or FPO is participating in fee compliance activities and chooses to use the NRF, he/she would generate a Warning Notice, attach the NRF to it and provide it to the violator. Data on the Warning Notice would be entered into LEIMARS and where possible, the violator would be warned that their failure to pay the required fee constitutes a violation of regulation. A VN may not be subsequently issued for this same incident.
- If the violator remains in, or returns to, the area on subsequent days and has not paid for the subsequent visit, a VN may then be issued since each day, occurrence, or act of failing to pay will likely constitute a separate criminal violation.
- Fee compliance officers who are neither FPOs nor LEOs could also hand out NRFs, but each one should be documented on an Incident Report in order to keep consistent records in LEIMARS regarding this activity.
- A separate database may be developed for tracking NRFs, but it is not available at this time.

NRF Form: The NRF form is attached to this letter. The forthcoming Recreation Fee Handbook will provide guidance on using the NRF, similar to this letter. Detailed instructions for use can be found on the REA Toolbox: <http://fsweb.wo.fs.fed.us/rhwr/recfee/index.shtml> The NRF is the *only* approved form for non-law enforcement recreation fee compliance activities. Local notices currently in use should be discontinued and replaced with the NRF.

NRFs allow for customization so that visitors can mail payment to the correct national forest or grassland. As such, printing of NRFs will be done at the unit level. The right side of the form, should be printed with two carbon copies. The top copy is for FS records, the middle copy for the visitor, and the bottom copy is to be torn off the envelope and included with the fee payment. The center and left portions of the form make up the envelope for fee remittance. Details on printing can be found on the REA Toolbox: <http://fsweb.wo.fs.fed.us/rhwr/recfee/index.shtml> .

Please begin using the NRF immediately. If you have any questions, please contact Katie Donahue at (202) 205-1169 or kdonahue@fs.fed.us, or Gene Smithson at (703) 605-4730 or gsmithson@fs.fed.us.

Finally, we would like to express our appreciation for all those who worked on the development of this form. This is an example of the continuing collaboration between Recreation and Law Enforcement to provide a visitor-friendly recreation program at national forests and grasslands.

/s/ James S. Bedwell
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