

WESTERN SLOPE NO-FEE COALITION

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January 13, 2010

Carolyn Holbrook
Recreation and Heritage Resources Staff
U.S. Forest Service
1400 Independence Avenue SW Stop 1125
Washington, DC 20250-1125

Via email

Dear Ms. Holbrook,

This letter is in response to the proposed policy change regarding concessionaire-operated recreation sites that was published in the Federal Register on December 1, 2009.

The policy change described in the notice should not be implemented for the following reasons:

1. The proposed policy was initiated by, and would only benefit, private corporations. Throughout the Federal Register notice are statements such as:
 - “...concessioners have raised five concerns...”
 - “...it would not be economically viable to require concessioners to...”
 - “...these requirements, in addition to the camping fee discount, would be detrimental to the economics of the concessions...”
 - “Concessioners are concerned that the Agency will remove these sites from concessions to satisfy the expectations of Interagency Pass holders and thus eliminate viable business opportunities.”

Our National Forests were not set aside for private profit, but rather for the benefit of the general public. Using concessionaires to manage certain facilities is a convenience for the Forest Service but it is of no benefit to the public. The needs of concessionaires should not be allowed to dictate public policies that are detrimental to the public.

2. The elimination of the 50% discount at Forest Service campgrounds would unfairly limit the ability of older and disabled Americans to enjoy their National Forests, and is a breach of faith with those who purchased lifetime Senior and Access passes with the understanding that their pass would provide this benefit.

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3. The provision that concessionaires would only have to accept annual passes, not lifetime passes, at Standard Amenity Fee day use sites is in violation of federal law.

The Federal Lands Recreation Enhancement Act states that the “America the Beautiful—the National Parks and Federal Recreational Lands Pass” must be accepted at Standard Amenity Fee sites. (16 U.S.C. 6804(a)(1)) The Senior and Access passes are lifetime America the Beautiful passes, obtained at a discounted price by qualified individuals under 16 U.S.C. 6804(b), not some other sort of pass. They must therefore be accepted at Standard Amenity sites. There is no provision in law that allows different rules at Standard Amenity sites for lifetime vs annual passholders.

Your notice says that under the proposed policy the Forest Service “would require concessioners to offer a 10 percent discount to holders of Senior and Access Passes and Golden Age and Golden Access Passports for standard amenity recreation fee (SARF) day use sites that they operate.” This would be a dramatic reduction in benefits to Senior and Access passholders, who are entitled under law to *free* access at Standard Amenity day use sites. The Forest Service does not have the discretion under law to reduce their discount from 100% to 10%. The passes must be accepted as specified by law.

4. In other correspondence the Forest Service has claimed that fees charged at concessionaire-managed sites are not subject to the requirements of the FLREA, and that day use fees charged by concessionaires are therefore not Standard Amenity Fees. Your Federal Register notice refers to day use fees at concessionaire-managed sites specifically as Standard Amenity Fees. You cannot have it both ways. Either they are Standard Amenity Fees and the interagency pass (both annual and lifetime) must be accepted to cover them, or they are not and should not be referred to as such.

If concessionaire day use fees are not Standard Amenity Fees and thus not subject to the FLREA, then this proposed policy would utterly nullify the justification of day use fees that the Forest Service has relied on since Fee Demo was enacted in 1996. That is, that day use fees provide supplemental benefits at the site where they are collected to benefit those who actually use the site. Under the proposed policy, day use fees would be the revenue of private businesses with no obligation ever to be spent at the site where they were collected. The Forest Service often points to the promise that the money will stay on site as fundamental to obtaining public support for recreation fees. This policy breaks that promise. It would result in the de facto privatization of thousands of recreation sites located on public land.

5. The Federal Register notice is silent about the various regional day use annual passes, such as the Adventure Pass (southern California), Northwest Forest Pass (Washington/Oregon), White Mountain National Forest Pass (New Hampshire) and Red Rocks Pass (Arizona). All of these now cover Standard Amenity Fees charged by the Forest Service, but are not accepted for identical fees if a concessionaire charges them. The value of these passes would be diminished under the proposed policy, depending on how many day use sites are under

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concessionaire management. The impact on the value of these regional passes should have been analyzed as part of this proposal.

6. The proposal contains the following misleading statement:

“The Forest Service is the only participating agency that requires concessioners to provide a 50 percent discount on camping fees to holders of these passes. For example, the National Park Service allows its concessioners to elect whether to honor these passes, and most elect not to honor them.”

The statement is misleading because it fails to note that the Forest Service makes far more use of private concessionaires than the other agencies do. For example, the Bureau of Land Management does not use concessionaires at any of its campgrounds, and the Bureau of Reclamation uses federal and non-federal government entities, not private corporations, to manage the recreation facilities associated with its projects. The statement implies that this policy would bring the Forest Service more in line with other federal agencies when in fact it would do the opposite.

The use of a concessionaire by the Forest Service should be transparent to visitors. Visitors should not have to research each site to find out what the local rules are, or have to deal with a patchwork of different policies. Nor should older and disabled Americans have their promised benefits eliminated merely because more of them are qualifying for discounted passes.

Passholders should receive the benefits they were promised when they purchased an interagency pass, regardless of whether it is an annual or a lifetime one.

The Forest Service should live up to its promise that day use fees will be spent to benefit the site where they were paid, not to guarantee the profits of private companies.

The American people own National Forest campgrounds and day use facilities, and the rules for access to and use of them should be nationally consistent regardless of whether the Forest Service manages the facility directly or through a concessionaire.

Please place this letter in the administrative record and add me to the list of Interested Parties.

Sincerely,
s/s Kitty Benzar
President