

WESTERN SLOPE NO-FEE COALITION

P.O. Box 135, Durango, CO 81302

970/259-4616

www.WesternSlopeNoFee.org

Via email

9 October 2008

To the California Recreation Resource Advisory Committee:

It is no secret that the Western Slope No-Fee Coalition opposes the Federal Lands Recreation Enhancement Act and is actively working for its repeal. In this we have the concurrence of six state legislatures, as well as dozens of county and municipal elected bodies and a broad range of non-profit organizations nationwide.

Legislation to repeal the FLREA has been introduced in the U.S. Senate with bipartisan sponsorship.

Until the FLREA is repealed it is the law, and the federal land management agencies must adhere to the letter of the law. Fee proposals they submit to you for review should include evidence of compliance with the FLREA before you agree to recommend approval.

There are many examples nationwide of fee programs that are not in compliance with the FLREA. While it is not your job to enforce the law, as members of the RecRAC you are charged with representing the general public. We ask that, on behalf of your constituents, you carefully scrutinize each proposal in comparison to the language in the FLREA and deny recommendation if there is reasonable doubt in your mind that the proposal is in compliance.

In particular, you are bound by the FLREA to deny recommendation of any proposal that does not include documentation of *general public support*. This is a high standard, and Congress intended it to be. It is not met until and unless the public is fully informed about a fee proposal, including their right to communicate their opinion about it to the RecRAC and when, where, and how to do that. In too many cases, National Forests are doing minimal to non-existent public notification, and then asking you to accept the resulting silence as the documentation of *general public support* that the FLREA requires. You should reject that approach.

Following are specific comments about the proposals on your October 16, 2008 agenda:

Klamath National Forest

- The Klamath National Forest's proposed increases range from 25% to 66% and average 56%. The inflation rate since the fees were last set in January 2001 has been slightly over 25%. These increases, at more than double the rate of inflation, are excessive. [source: www.inflationdata.com]
- The proposal says that the Forest's public participation effort resulted in only one letter, and that letter opposed the fee proposal. Such a level of response does not rise to the definition of "general public support" that the FLREA requires. Instead, it

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indicates a need for the Forest to do more outreach in order to better inform the public about what they are proposing.

We were able to find only one media story about this proposal, an article in the July 1, 2008 Siskiyou Daily News. No specifics were provided as to the amount of increase that was to be proposed. The RecRAC process was accurately described, but there was no meeting date given, since none had yet been scheduled. There has been no follow-up article to inform local residents about the October 16 meeting.

Neither the article nor the press release on which it was based explained that, under the FLREA, the public has a role to play in fee decisions and that without general public support, new fees and fee increases cannot go forward.

- The one letter that was submitted to the Forest mentions that there is a reservation fee to book group sites, and the reservation fee is one of the reasons the letter-writer opposed the increase. Reservation fees are an additional cost to campers, even though that revenue does not flow to the Forest. The Forest should provide the public and the RecRAC with the *total* cost of reserving and using a campsite in order for them to more fully evaluate the impact on users.
- These proposed campground fee increases flow from the Klamath's Recreation Facility Analysis 5-Year Proposed Program of Work (PPOW), which was produced with almost no public participation. In June 2007 a press release announced the start of the RFA process on the Klamath. The public was not given any specific information about what the 5-Year PPOW might contain, but was invited to comment on it—whatever it was—for a period of 27 days. There was never a public meeting, and the details were not made available until after the PPOW had been approved.

These increases are one part of a “big picture” that includes removal of facilities, reduction in services, and additional fees. It is a picture of which the public is still largely unaware because there has been insufficient effort to include them.

- The most recent report on recreation fee expenditures published by the Klamath is for 2006. It shows a total of \$58,627 in expenditures, but does not report how much total revenue was collected. Of the total expenditures, \$15,431, or 26.32%, was for Cost of Collection.

The FLREA says,

“The Secretary may use not more than an average of 15 percent of total revenues collected under this Act for administration, overhead, and indirect costs related to the recreation fee program by that Secretary.”

The only way the Klamath's fee program could have met that requirement would be if fee revenues were at least \$102,873. If that was the case, then they collected more than \$40,000 in excess of what they spent, and do not need this fee increase because they are running a surplus. If fee revenue was less than that, they were in violation of that section of the FLREA.

Either way, the fiscal issues merit scrutiny by the RecRAC before the fee proposal should be recommended for approval.

- The elimination of the fee at West Branch Campground is a refreshing change. However, it comes at a price: the potable water system will be removed, one toilet will be removed, and seven campsites will be removed, at a cost of \$22,880. This expenditure would eliminate Deferred Maintenance of only \$2,880. The West Branch proposal, like the fee increase proposals, is a result of the Klamath's

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Recreation Facility Analysis 5-Year Proposed Program of Work, which was produced with almost no public participation.

While we are reluctant to oppose the elimination of a fee, there is substantial question as to whether, in the case of the West Branch Campground, the public supports the reductions in facilities and services that go along with that.

The RecRAC should require the Forest to show *general public support* for this proposal, just like any other proposal. Public participation should be conducted on the proposal in its entirety: not just the elimination of the fee, but also the removal of facilities and reduction of services.

The Western Slope No-Fee Coalition OPPOSES the Klamath National Forest fee proposals.

Thank you for taking these comments into consideration.

Sincerely,

/s/

Kitty Benzar
President