

# **The Fix Is In:**

## **An Analysis of the Implementation of Recreation Resource Advisory Committees by the U.S. Forest Service and the Bureau of Land Management**

**September, 2008**

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<b>I. Executive Summary.....</b>	<b>2</b>
<b>II. Schedules Make Public Attendance Difficult.</b>	<b>3</b>
<b>III. Lack of Published Information.....</b>	<b>3</b>
<b>IV. Meetings Not Always Open To The Public...4</b>	
<b>V. Meeting Minutes Delayed, Ambiguous, and Incomplete.....</b>	<b>5</b>
<b>VI. Legal Requirement For Public Support Is Frequently Ignored.....</b>	<b>5</b>
<b>VII. High Impact Recreation Areas Not Submitted For Review.....</b>	<b>6</b>
<b>VIII. Public Comment Filtered and Withheld...7</b>	
<b>IX. Exclusion Of The Public Is Intentional.....</b>	<b>8</b>
<b>X. RecRAC Costs Are High and Are Not Accounted For As A Fee Program Expense.....</b>	<b>9</b>
<b>XI. Summary and Conclusions.....</b>	<b>10</b>
<b>APPENDIX 1 A detailed example of mischaracterization by the Forest Service of public support for a fee proposal.....</b>	<b>12</b>
<b>APPENDIX 2 Testimony of Undersecretary of Agriculture Mark Rey before Congressional committees in 2005 and 2008.....</b>	<b>15</b>

## I. Executive Summary

Public participation in fee decisions affecting federal public lands, through the use of citizen advisory committees, has fallen far short of the requirements spelled out in the Federal Lands Recreation Enhancement Act (FLREA). The U.S. Forest Service and Bureau of Land Management are presenting Congress and the public with a false picture of public involvement in fee decisions.

When the FLREA was enacted in December 2004, replacing the Fee Demo program, its framers promised that these advisory committees would incorporate public participation into what had previously been an entirely agency-driven process. Fee Demo had become very unpopular across the nation, and the committees, they said, would assure that only fee programs the public supported would go forward.

The Forest Service (Department of Agriculture) and BLM (Department of Interior) are required to submit new and increased fee proposals to these committees, called Recreation Resource Advisory Committees, or RecRACs. The RecRACs then recommend approval or denial of the proposed fees to the Secretary of Agriculture or Interior.

The RecRAC members began to be appointed in the spring of 2007, more than two years after the law was enacted. In some areas new committees were established, in others existing BLM Resource Advisory Councils are being used.

A few states (**Alaska, Nebraska, Wyoming**) have opted out of the RecRAC process at the request of their Governors, as allowed by the FLREA. In those states, as well as on public lands managed by the National Park Service, U.S. Fish and Wildlife Service, and Bureau of Reclamation, the FLREA does not specify any formal public participation process, and fees can be imposed without public input.

Where they apply, the RecRACs are supposed to represent the public. Their members are appointed in various categories of National Forest and BLM users including recreationists, local and tribal governments, guides and outfitters, and environmental groups. Approval of fee proposals requires a majority vote in *each* category.

The first and most fundamental problem with the RecRAC process is that the members are selected and appointed by the agencies themselves, and the members come mainly from organized groups that are beholden to the Forest Service and BLM for their particular activity or area of interest. They are selected because they are likely to do the agencies' bidding, and that is what they have overwhelmingly done.

To date, the RecRACs have approved at least 523 fee increases and 228 new fee sites. Only 27 fee proposals have been turned down.

[See [http://www.westernsloopenofee.org/wp-content/uploads/2016/10/RRAC\\_Box\\_Score\\_Oct\\_2016.pdf](http://www.westernsloopenofee.org/wp-content/uploads/2016/10/RRAC_Box_Score_Oct_2016.pdf)]

The public has been largely shut out of the RecRAC process. For example:

- Meetings have been held at times that make it difficult for the public to attend, and efforts to announce them have been minimal to non-existent.
- Agendas are often not made available in advance, agenda items are added at the last minute without public notice, and detailed fee proposals are not always provided for public review and comment.

- Meetings have not all been open to the public as required by law. Some have been held by telephone or during field trips from which the public is excluded.
- Publication of minutes of meetings has been delayed until months after the meeting was held. Many minutes are ambiguous and/or incomplete. Voting records are not completely documented.
- Public comments sent in about fee proposals have been withheld from, or misrepresented to, the RecRAC members by agency officials.

This analysis will show examples of these problems and make the case that the Forest Service and BLM have not made a good-faith effort to engage the public in the Recreation Resource Advisory Committee process. In fact, to a great extent they have intentionally excluded the public, because when the public does get involved, their opposition to fees makes RecRAC approval more difficult to obtain.

## **II. Schedules Make Public Attendance Difficult**

No effort has been made to schedule RecRAC meetings at days and times that would encourage public attendance and participation. For example, there has never been a RecRAC meeting in the evening or on a weekend, to give working people a better opportunity to attend. Meetings have frequently lasted for two days, adding to the expense and inconvenience to citizens who might want to participate. And even the most motivated person could become discouraged by last-minute changes, like when the **California** RecRAC changed the location of its January 2008 meeting to a different city on only 4 days notice.

Such practices make it difficult to accept the agencies' assertions that they have made a good-faith effort to involve the general public in fee decisions.

## **III. Lack of Published Information**

If members of the general public cannot attend a RecRAC meeting in person, they should at least be able to review the fee proposals in advance so that they can submit written comments. If the agencies really want such public comments, they must make an effort to announce upcoming meetings and agendas in an effective and timely way.

The minimum requirement of the FLREA is that meetings be announced one week in advance in a "local newspaper of record" and the Federal Register. Often this bare minimum is all that occurs. The law gives no guidance as to what is considered a "local" newspaper for a RecRAC that represents an entire state, like **California** or **Colorado**, or multiple states like the Northeast, Southeast, and Pacific Northwest RecRACs. Often the requirement is met merely by issuing a press release, with no record as to whether any media outlets actually ran the announcement or not. The result is that very often the public is completely unaware that a meeting is scheduled, or that they have an opportunity to submit comments.

Each RecRAC has a website, and agendas and fee proposals could easily be posted to the websites for the public to review and comment on. Some RecRACs are doing a good job of this; others are not doing it at all. In many cases the information has been difficult or impossible to locate. For example:

- In Western and Central **Montana**, where existing BLM Resource Advisory Councils are serving as RecRACs, meetings have not been announced in the

local press, and agendas and fee proposals have not been released in advance. The members have been presented with fee proposals at the meetings, which they are seeing for the first time. That makes it impossible for a member to consult with his or her “constituency” prior to deciding how to vote on a fee proposal.

- In **Idaho**, National Forests have announced fee increases and new fees in the press as a “done deal” without divulging that RecRAC approval is needed before their fee proposals can be implemented. The public has not been informed about RecRAC meetings in a timely fashion, and fee proposals have not been made available in advance for public review. Over 100 fee proposals by the Boise and Payette National Forests were approved at the November 29, 2007 meeting of the Boise/Twin Falls RecRAC, but the specifics have still not been provided to the public.
- The **New Mexico** RecRAC met on July 24, 2008, in Carlsbad. No record has been found that the meeting was announced in the local press either before or after it occurred. The minutes of the meeting have been posted but the fee proposals have not been made publicly available. The RecRAC voted to approve some fee increase proposals, but the minutes are so ambiguously written that it is not clear what they were voting on.
- The **California** RecRAC withheld the agenda for their January 2008 meeting until 4 days prior to the meeting date, despite repeated specific written and verbal requests. They did not post the detailed fee proposals that were considered at that meeting until April 2008 (months after the meeting had been held). They did not publish the minutes of the meeting, describing the fee proposals recommended for approval by the RecRAC, until six months after the meeting, in June 2008.

#### **IV. Meetings Not Always Open To The Public**

RecRACs are subject to 5 USC 552b, the Federal Open Meetings law (often referred to as the “Sunshine Law”) which specifies that, except in very limited circumstances, “every portion of every meeting of an agency shall be open to public observation.” However, some RecRACs, such as **California** and **New Mexico**, have participated in agency-escorted field trips, with a quorum present, from which the general public was excluded.

In addition, the national RecRAC charter states that they may hold meetings telephonically or by electronic mean. These meetings are essentially inaccessible to the public. Three meetings have been documented as having actually occurred telephonically:

- The **Arizona** RecRAC met by telephone on January 29, 2008 to discuss fee proposals by the Coronado National Forest and the Arizona Strip office of the BLM.
- The Northeast RecRAC approved a fee increase on the Hiawatha National Forest in **Michigan** during a telephone meeting on February 6, 2008.
- **The Utah** RecRAC met by telephone on February 1, 2008, with only six members participating (a quorum requires 8). They voted on a fee proposal regarding the Paria Canyon Wilderness during the telephone meeting.

## V. Meeting Minutes Delayed, Ambiguous, and Incomplete

RecRACs are subject to the Federal Advisory Committee Act (5 USC App), which requires that “detailed minutes” of all federal advisory committee meetings be made available to the public. But in many cases the minutes of the RecRAC meetings are posted long after the fact, are not detailed, and do not specify what fee proposals were made or how the committee members voted. For example:

- The Boise/Twin Falls **Idaho** RecRAC approved hundreds of fee increases on the Boise and Payette National Forests in November 2007, but the list of fee sites approved is not included in the minutes of the meeting, which were not posted for nearly a year.
- The minutes of the **New Mexico** RecRAC meeting in July 2008 lack the attachments that are referred to, and are ambiguous as to what was approved.
- The minutes of the **California** RecRAC’s January 2008 meeting were not posted until after the June 2008 meeting.
- The **Arizona** RecRAC website shows that they have met ten times to date. Agendas are posted for only three of those meetings, and minutes are posted for only four of them.
- No minutes of the June 2008 **Colorado** RecRAC meeting have been posted to date.

Most of the minutes of RecRAC meetings that have been published don’t provide a tally of individual votes on motions. In the states where pre-existing BLM Resource Advisory Councils are serving as RecRACs, the minutes that have been published indicate that recommendations are being made by a simple majority vote, rather than by a majority within each category as the FLREA requires.

These omissions, ambiguities, and inconsistencies make it difficult for the public to learn what action the RecRACs took or to determine how the members voted who represent their interests.

## VI. Legal Requirement For Public Support Is Frequently Ignored

The FLREA says:

“A recommendation may be submitted to the Secretary only if the recommendation is approved by a majority of the members of the Committee from each of the categories specified in paragraph (5)(D) *and general public support for the recommendation is documented.*” [Emphasis added]

Despite this clear requirement, many fee proposals that have general public opposition—or that have received no public comment at all—have been recommended for approval.

- The Okanogan-Wenatchee National Forest in **Washington** presented a fee proposal to the Pacific Northwest RecRAC in June 2008 in which they told the members that half of the 36 comment cards they had received opposed the fee increase. The Forest Service withheld the specifics of these comments from the RecRAC and downplayed the level of opposition to the fee proposal, which was

recommended for approval. The 36 actual comment cards were later obtained, pursuant to a Freedom of Information Act request, and they showed that in fact 28 of 36 written comments opposed the fees either somewhat or strongly. [See *Appendix 1*]

- The Willamette National Forest in **Oregon** gained approval for new fees or fee increases at nine sites at the same June 2008 meeting. Collectively, the fee proposals received five comments in support, and six in opposition. Four of them received no comments at all. Of the “supportive” comments, one was from a campground concessionaire, who wants to see higher fees at Forest Service-managed facilities so that the fees at for-profit concessionaire-managed facilities such as his won’t seem so high. Another “supportive” comment wanted to see fees raised because “there are way too many people up there” and “fees are an effective way to deter use of a site.”
- The **Colorado** RecRAC approved two new fee sites at their June 2008 meeting that had never been posted at their website or undergone any public review process. No documentation of general support was provided, but the fees were approved anyway, contingent on the Grand Mesa-Uncompahgre-Gunnison National Forest announcing them in the newspaper and not getting any opposition.

The requirement for documented “general public support” is a high hurdle, as it should be. It is not achieved when a fee proposal receives no comments at all, nor when comments from those with vested interests are given the same weight as those from ordinary citizens. Opposition to public lands fees remains strong nationwide. This should be acknowledged by the RecRACs and taken into account, not ignored. Fee proposals that lack the required documentation of general public support should not be recommended for approval.

## **VII. High Impact Recreation Areas Not Submitted For Review**

The Forest Service has designated 96 High Impact Recreation Areas, or HIRAs, in which a de facto entrance fee is charged for all activities, even those expressly prohibited in the FLREA from being subject to a fee. HIRAs have been controversial with both Congress and the public. Many see them as an end-run by the Forest Service around the restrictions the FLREA places on where fees may be charged.

Undersecretary of Agriculture Mark Rey fended off these critics at a Senate hearing in 2005 by promising that all HIRAs would be submitted to the RecRACs for review once they were established. He said in his testimony:

“We are planning on having our Recreation Resource Advisory Committees comment on the application of the criteria to each high impact recreation area we have identified. Building community and visitor support for these areas is an important component in developing the fee program for High Impact Recreation Areas.” [See *Appendix 2*]

Undersecretary Rey was asked about his promise in 2008 at a hearing in the House Natural Resources Committee, and replied:

“There have been High Impact Recreation Areas submitted to them [the RecRACs] for their review, and they have so far approved the ones that have been submitted.” [See Appendix 2]

That statement cannot be supported from any available records. As far as can be determined from public sources, no RecRAC has ever been asked to review a HIRA for the purpose of advising on whether or not it is a reasonable application of the language in the FLREA.

HIRAs have appeared, for other purposes, on RecRAC agendas on eight occasions:

- The Lake Como HIRA in **Montana** was approved for a fee increase in November 2007.
- The Mirror Lake, American Fork, and Flaming Gorge HIRAs were approved for fee increases by the **Utah** RecRAC in March 2008.
- The **California** RecRAC approved a fee increase for the Lake Isabella HIRA in June 2008.
- The **Colorado** RecRAC has twice had proposals on their agenda to increase the fees for the Green Mountain Reservoir and Arapaho National Recreation Area HIRAs.
- The **California** RecRAC went on a field trip to the San Gabriel Canyon HIRA on the Angeles National Forest on January 14, 2008.

These eight instances are the only times that a HIRA has come before a RecRAC for any reason, according to publicly available documentation, and on those occasions none of the RecRACs were asked to “comment on the application of the criteria” as promised by Undersecretary Rey.

### **VIII. Public Comment Filtered and Withheld**

Communications between the public and the RecRACs are channeled through each Committee’s Designated Federal Official or DFO. Contact addresses for RecRAC members are not generally made available, except for two members of the Colorado RecRAC who voluntarily included an email address in their biographies. Requests to obtain contact information have been turned down, citing privacy issues. This unnecessary filter prevents RecRAC members from hearing from the public directly. It has resulted in RecRACs voting to recommend approval of fee proposals without the availability of complete and accurate background information.

For example:

- A letter containing comments about fee proposals on the agenda of the **Colorado** RecRAC’s June 2008 meeting was not given to the members by the DFO. The author was told that the DFO did not know the letter was intended for the RecRAC, even though it dealt solely with fee proposals that were on the RecRAC’s agenda.
- The **California** RecRAC approved a fee increase for private permit reservations for Kern River boaters at their January 2008 meeting. When the fee proposal was finally released to the public, months after the date of the meeting, significant

errors were found in the data regarding water flows and river user demographics. The recommendation of approval had been based on this erroneous information. Written requests to have the RecRAC re-visit their decision, sent via the DFO, have so far not received any response.

The committee members are chosen to represent specific constituencies, and it is unacceptable for those constituencies to be blocked from communicating with their designated representative. Privacy issues can be addressed by having members set up a special email address just for RecRAC communications, as two members of the Colorado RecRAC have voluntarily done.

## **IX. Exclusion Of The Public Is Intentional**

Forest Service and BLM officials often claim that they have made efforts to encourage public involvement in fee proposal decisions, but that people do not respond. They conclude that a lack of response demonstrates a lack of opposition, which is then translated to indicate the general public support that the FLREA requires.

The Western Slope No-Fee Coalition contends instead that the inadequate to non-existent outreach efforts by the agencies are the reason for the lack of participation. The evidence is strong that when the public *is* informed and *does* get involved, they generally show strong opposition to fees, and fee proposals sometimes get turned down. That is not the desired outcome of the Forest Service or BLM, and they try to avoid it.

For example:

- In **Idaho**, a retired Forest Service manager learned shortly before the April 10, 2008 meeting of the Boise/Twin Falls RecRAC that the Boise National Forest would be proposing new fees at 15 sites. The fee proposals had not been announced in the press or posted at the Forest's website. This individual took it upon himself to notify the public, doing a job he felt the Forest had failed to do. By the simple means of writing letters to the editors of local papers and sending emails to interested people, he got the word out. In only a few weeks, the RecRAC received numerous public comments opposing the fee proposals, and ultimately voted against recommendation of 10 of them.
- The Arapaho and White River National Forests have requested RecRAC approval for fee increases in two High Impact Recreation Areas. Both fee proposals were on the **Colorado** RecRAC's agenda in February 2008 and again in June 2008. They were published in the Federal Register, but there was no press release or other media announcement by either Forest about them. The opportunity for the public to comment on the fee proposals to the RecRAC was announced not by Forest officials but by a few Colorado residents who mobilized on their own to spread the word by email. As a result of these private efforts, the RecRAC learned that there is substantial opposition, not general public support. To date, the RecRAC has voted to not recommend one of the fee proposals, and has not deliberated at all on the other.
- The Shawnee National Forest in **Illinois** recently announced that they are withdrawing plans to submit new day-use fees at eight recreation sites, as well as a trail-use fee for equestrians, to the Northeast RecRAC. Until a few local residents heard of the fee proposal, it had only been announced in the Federal Register. They

organized their own grass-roots campaign that resulted in numerous media stories, thousands of signatures on an anti-fee petition, resolutions against the fee proposals by ten county boards, and dozens of individual letters. The Forest Supervisor has decided to drop the day-use and trail fees for now and proceed only with increases to fees in developed campgrounds.

These examples show that when a real effort is made to inform the public about the opportunity to participate in the RecRAC process, they will do so—not in support of fees, but against them. Because that is not their desired outcome, the agencies are intentionally doing the bare minimum to publicize their RecRAC fee proposals. They know that is the easiest way, and maybe the only way, to get them approved.

## **X. RecRAC Costs Are High and Are Not Accounted For As A Fee Program Expense**

On April 28, 2006 the Forest Service issued a departmental regulation chartering five new federal advisory groups to serve as Recreation Resource Advisory Committees. These five RecRACs are for the Pacific Northwest (**Washington** and **Oregon**), Pacific Southwest (**California**), Northeast (21 states), Southeast (14 states), and **Colorado**. In the remainder of the country, thirteen existing BLM Resource Advisory Councils and one existing Forest Service Advisory Council are serving as RecRACs.

The Forest Service regulation shows estimated annual operating costs for their RecRACs to average about \$52,000 per meeting, including national and regional staff support time, but not most forest-level staff support. The estimates are based on each RecRAC meeting twice annually. Estimated costs for the BLM RecRACs have not been published, but can be assumed to be similar.

There have been 36 RecRAC meetings documented to date, at an estimated cost to the government, using the above estimates, of at least \$1.8 million. Actual costs are almost certainly higher, since several RecRACs have met more than twice in the same fiscal year and many meetings have lasted for two days, have included group field trips with transportation provided at government expense, and have been attended by many forest-level staffers whose time was not included in the estimates.

The sole purpose of RecRACs is to issue recommendations to the Secretaries of Agriculture and Interior regarding fee proposals for federal public lands. Thus these high operating costs can only be reasonably treated as an administrative expense of the Forest Service and BLM fee programs. The Federal Lands Recreation Enhancement Act specifies that such administrative costs, combined with overhead and indirect costs, cannot exceed an average of 15% of each agency's total fee revenue.

The last time the agencies reported to Congress on their fee programs was in 2006, for FY2005. In that report, they admitted to overhead costs of 18.7% for all agencies, and 15.6% for the Forest Service. The RecRACs had not yet been established when the report was issued, so their costs are in addition to that overhead.

According to several top officials in the Forest Service, the operating costs of the RecRACs are not being counted toward the 15% limit. They are being paid out of appropriated funding, and not treated as any kind of fee program expense. In the states where BLM Resource Advisory Councils are serving as RecRACs for both Forest

Service and BLM fee proposals, the Forest Service does not show any administrative costs for RecRAC operations at all. How the BLM accounts for RecRAC expenditures has not been reported to date.

In **Colorado** Forest Service officials told the RecRAC that they grossed \$1.5 million in FLREA revenue in FY2007. There were three Colorado RecRAC meetings in FY2008. At an average of \$52,000 per meeting, the RRACs alone are costing over 10% of fee revenue, but since they are paying those costs out of appropriated funding they are not counting them toward the 15% cap.

It is apparent that the agencies cannot include the high administrative costs of operating the RecRACs as fee program overhead without exceeding the 15% limit specified in the FLREA. By paying RecRAC costs out of appropriated funding, they are presenting Congress with an illusion of fiscal responsibility, just as they are presenting an illusion of public participation.

## **XI. Summary and Conclusions**

The Forest Service and BLM have tried to deflect persistent public criticism of access fees for public lands by assuring Congress that the Recreation Resource Advisory Committees are giving the public a meaningful voice in public lands fee decisions. In their joint statement to the House Natural Resources Committee on June 18, 2008 Undersecretary of Agriculture Mark Rey and Deputy Secretary of Interior Lynn Scarlett said:

“Under FLREA, the public has a voice at the decision making table when fees are proposed.”

Nothing could be further from the truth.

The Recreation Resource Advisory Committees are carefully selected by the agencies themselves. Their members do not represent all the activities people enjoy on their public lands. Ordinary families and working people, who make up the majority of National Forest and BLM visitors, are being shut out of the decision making by a process that is intentionally difficult to participate in. Public outreach by the Forest Service and BLM has been minimal to non-existent. The requirement that fee sites have general public support is being ignored. Attempts by members of the public to engage in the process have been blocked by a lack of available information and by having information withheld.

The Recreation Resource Advisory Committees are operating virtually in secret, giving rubber-stamp approval to almost every fee proposal they see, and seeing little background information except what the Forest Service and BLM want them to. They present an illusion of public participation, carefully avoiding the real thing.

The Federal Lands Recreation Enhancement Act is bad law and bad policy, and the Western Slope No-Fee Coalition once again calls on Congress to repeal it. Senate bill S.2438, The Fee Repeal and Expanded Access Act, which would repeal the FLREA, should be accorded a hearing in the Energy and Natural Resources Committee. Companion legislation should be introduced in the House as well.

Congress must act soon, before the heritage of public ownership of public lands is lost to Americans forever.

# **APPENDICES**

## **APPENDIX 1 A detailed example of mischaracterization by the Forest Service of public support for a fee proposal.**

What the law requires (Federal Lands Recreation Enhancement Act Section 804(d)(9)):

“A recommendation may be submitted to the Secretary only if the recommendation is approved by a majority of the members of the Committee from each of the categories specified in paragraph (5)(D) **and general public support for the recommendation is documented.**”  
(emphasis added)

Here is the information provided to the Pacific Northwest Recreation Resource Advisory Committee by the Okanogan-Wenatchee National Forest regarding public support for their fee proposal:

“Considering the thousands of people that use our campgrounds each year, we received relatively little public comment. Two phone calls and 36 comment cards from campground postings relating [*sic*] the fee increase were received between 2006 and 2007. Half of the people who commented were opposed to the proposed price increases because: they were generally opposed to fees, felt they had already paid enough in taxes, and/or that they were not getting fair value for the fee paid. Only a few indicated it would affect their ability to afford to camp, or that they would not return. The other half of the respondents indicated they supported or understood the need for fee increases, with many remarking that the beauty of the area would bring them back, and most wanting to see increased fees resulting in improved maintenance, services, facilities and stricter enforcement of regulations/fee schedules.”

**In order to find out if that summary is a fair characterization of the public comments received, a Freedom of Information Act request was filed and copies of the actual comment cards were obtained. Here is what they showed.**

Each of the 36 comment cards had four checkboxes on it. The four choices, and how many respondents selected each, were:

1. “I support the changes proposed” – **8**
  2. “Though not strongly in favor, I understand the need for these changes” – **9**
  3. “I am opposed to the changes proposed for the reasons stated below.” – **18**
  4. “I have no opinion about the changes proposed” – **0**
- No boxes checked – **1**

**Of the 36 cards, 30 contained written comments in addition to the checkboxes. Here are the verbatim comments written on the cards, in answer to the question:**

**“How Would This Proposal Affect You?”:**

1. As a past camper and a returning one I see that the previous promises to update the site were unfulfilled.
2. Seems excessive for this rather “primitive” site with cow & goose manure! However, a less developed site is very much appreciated!
3. Have the Forest Service get out of the vehicles & check people
4. From mid May-early November I camp or hike, using facilities such as this. It is my opinion these fees are getting out of hand. If these fees go into effect I will get a new hobby and save myself the gas and other money associated with camping & hiking/fishing. I understand the financial situation, however the state needs to quit wasting our money and stop raising our taxes with things such as these fee increases. I spend 2-3 thousand every year in fees and camping/hiking. It’s almost time to take up bowling. I hope you do not implement these fee increases.
5. Doesn’t offer same options like water & a stationary table
6. I wouldn’t be able to enjoy camping as much because I’d be paying more money for the same thing.
7. Might as well stay at hotel
8. I don’t want to pay more for the same thing. At least put in tables.
9. Would like to see better maintenance of sites though understand quantity of people with no cooth. Also picking [?] of fish fishing nothing like it used to be. Would like more opp for kids to experience.
10. We already pay for camping if you raise it we will not come back!!! It is 5 dollars already! In a forest come on.
11. I wouldn’t care for the fee increase but I’d still camp here. My concern is there seems to be less campers now at this fee so how many more won’t camp here with an increase? My thought if you want to make ends meet better is to put a metered dump site in, maybe at campsite 6. I’d sure be willing to pay 2 to 3 dollars to dump. The free loaders camping all over these hills would maybe also use this bringing in more revenue than fee increases. Another fee increase would be to put an extra fee for more than 2 tents per site. You charge for extra cars so why not for tents? I’ve seen as high as 6-7 tents per site.
12. I would keep coming here with an increase but will others? It seems the usage is already low. The fee will increase and the services remain the same. Possibly having a metered dump station would help. I would gladly pay a small fee to have a dump site. Those people using garbage dumpsters from non-fee areas would likely pay to use the dump area and an increase would not be necessary.
13. The more excellent campsites the better! I & my husband are interested in camp host positions in our retirement. A beautiful place. We loved our stay here!
14. Keep toilets stocked with toilet paper especially at boat launch at bumping [?] lake.
15. We do not care for the fee changes but we understand.
16. I am a Disabled Vietnam Vet and I have to live on my Disabled Check.
17. I support if increase is used for camp maintenance. I suggest stricter enforcement of fees.
18. It won’t. We’ll pay to be here it’s beautiful.
19. Not happy about raise

20. It would likely change or destroy this recreational area.
21. I try to come camping here every year with friends and I have had some complaint about the current rate.
22. Because the state never has enough money. We pay enough in taxes!
23. I would think keeping the park maintained & bathrooms fairly clean. We camp here every chance we get. Love this park.
24. This would affect me because I really enjoy camping here and I always keep my camp area clean. If u raise the prices for the camp grounds, I might have to go camping some where else, because most campers aren't the richest people in the world. We don't really need out houses and park rangers, if everyone just picked up their garbage and crapped in the woods we would all be just fine. I've camped at this campground for years without paying, and the place looked just fine. But if u must have money, I suggest, just a simple five dollars a night, per campground, not for every car that's too expensive.
25. I would go camping here less. Unless you add. There should be no added cost. Don't add tables. I camp here because it's camping. Tables are too convenient.
26. I don't believe raising the fees higher than \$5 a night is necessary. We bring our own picnic table, we build our own fire, and bring our own wood. Raising the fees isn't going to improve the campgrounds and it isn't going to improve how much fun we have. I would like to continue camping here every summer but with all the expenses of camping I wouldn't be able to afford higher fees. The \$5 a night is already a struggle for me and my family.
27. We might not come here any more. Why should it increase, there are no bathrooms, picnic benches, or other utilities.
28. This remote site has no tables or water source, and should not cost as much as the sites at the campgrounds.
29. I have camped here for years and always have a wonderful time and I always leave the camp area clean. These fees will affect my desire to camp here. Please do not raise fees.
30. Don't change a thing I love it here just the way it is. [On the card with none of the four options checked]

**The totality of the above comments show overwhelming *opposition* to the fee proposal, not “general public support” as required by law.**

**The Pacific Northwest Recreation Resource Advisory Committee nevertheless recommended approval of the fee increases on June 27, 2008.**

## **APPENDIX 2 Testimony of Undersecretary of Agriculture Mark Rey before Congressional committees in 2005 and 2008**

### **1. Testimony before the US Senate Committee on Energy and Natural Resources, Subcommittee on Public Lands and Forests, October 26, 2005, in which Undersecretary Rey says five times that High Impact Recreation Areas will be submitted for review by the Recreation Resource Advisory Committees once the committees are established. From the transcript of the hearing:**

...“Differing local conditions and characteristics make it difficult to develop criteria for high impact recreation areas that fit all circumstances. We are planning on having our Recreation Resource Advisory Committees comment on the application of the criteria to each high impact recreation area we have identified. Building community and visitor support for these areas is an important component in developing the fee program for High Impact Recreation Areas.”

...“I might add, in the case of the high-intensity recreation areas the resource advisory committees, once established, will review the fee structure of each of the high-intensity, high-impact recreation areas.”

...“But these are, we understand, the areas of greatest ambiguity, which is why I would second Lynn's offer to work with you on any specific area that either you or other members of the committee have concerns with; and second, why we have decided that we will be submitting those areas to the resource advisory committees once the committees are formed.”

...“The next step in the process is to charter the resource advisory committees, have them available then to look at some of the sites that we have reconfigured, the high impact recreation areas in particular, and then move forward with the resource advisory committees' assistance in deciding where, if in the future we make additional investments, any other fee sites might be appropriate.”

...“Senator CRAIG. Mark, I am specifically interested in the example—and you may be getting to it—in California, where new intensity use areas were permitted and charged that did not exist before.

Mr. REY. In those cases, what we have done is created a high impact recreation area, combining a number of areas where fees were previously charged under either Land and Water Conservation Fund or under the RAC fee demo authority.

Senator CRAIG. So you are drawing the conclusion that they were once charged, therefore you have created a new entity and it did not need to see the public process?

Mr. REY. No. As I said in my testimony, we will be—because of the fact that these high-impact recreation areas require a certain amount of interpretive work, we will be submitting those to the resource advisory committees once they are chartered, to make sure that they concur that that is a reasonable application of the statute. But in every instance, these are areas where in individual sites linked together in a logical fashion fees were charged prior to the enactment of the statute.

Senator CRAIG. Well, I think I understand your logic or the logic used. I guess I would argue, is that consistent with the law?"

**2. Testimony before the US House Natural Resources Committee, Subcommittee on National Parks, Forests, and Public Lands, June 18, 2008, in which Undersecretary Rey states that HIRAs have been submitted to RecRACs for review, and have been approved. He also states that the agency has dropped some HIRA fees after internal review showed them to be non-compliant. From the transcript:**

**“US Representative Lois CAPPs:** In testimony to the Senate in 2005, and I have a copy of your testimony here, you stated that High Impact Recreation Areas would be submitted to the Recreation Resource Advisory Committees once these were chartered. Now that the RecRACs are chartered, and operating, have any HIRAs been submitted to them for review, and if so, what was their recommendation?

**USDA Undersecretary Mark REY:** There have been High Impact Recreation Areas submitted to them for their review, and they have so far approved the ones that have been submitted.

**CAPPs:** Now, are there quite a few of them?

**REY:** I don't know the exact number, but I can get that for the record.

**CAPPs:** I'd like that. I think that would be important for us to have for the record. I would appreciate that. Three years ago you told the Senate you would be submitting the HIRAs to the RecRAC, so I guess you didn't at that time?

**REY:** Well, we had some that were pre-existing. Those are being submitted to the RecRACs as we work on the program. So far all the ones that have been submitted have been approved. We have chosen not to submit a few areas that would probably qualify as HIRAs and those we've just deleted the fees on.

**CAPPs:** Well, I wonder if you're aware of the fact that 75% of the sites within HIRAs don't have the standard six amenities. It seems to me that with these HIRAs, the Forest Service is simply using them to get around the letter of the law.

**REY:** I've heard that statistic, and I think that is inaccurate as well, and let me describe why. A HIRA is an area of high impact recreation. It may include several sites within that confined area, like a narrow canyon on the Cleveland National Forest. So all six amenities have to be within the HIRA, they might not be at every individual site that occurs within that HIRA.

**CAPPs:** Let me ask you because my time is almost up. What would you answer to the constituent of mine, or many of my constituents, who tell me they are in a HIRA, a high impact area, and they're being told the bathroom is a mile away? Would you consider . . .

**REY:** A mile? A mile is probably the standard radius for a HIRA. You might have bathroom facilities at one point in a canyon where it was possible to build them. Canyons are fairly narrow and linear. You might have a picnic facility several hundred yards away. You might have a trailhead 50 yards from that. But typically what we experience is that people come to that area to recreate in it as a whole. And as I indicated in my prepared statement, this is one of the issues that we're putting before the RecRACs to make sure that they concur with us that this really is a

legitimate HIRA. And as I said just a minute ago, we've pulled some fees out of some of those that we thought probably weren't legitimate because the six amenities were too dispersed to really legitimately call a single area that people are using as a whole for recreation.

**CAPPS:** Thank you very much."

**To date, there is no record that any Recreation Resource Advisory Committee has been asked to review any High Impact Recreation Area with regard to its compliance with the language of the law, nor that any HIRA fee has been dropped after internal review by the Forest Service.**