

UNITED STATES DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
WASHINGTON, D.C. 20240
<http://www.blm.gov>

December 5, 2006

In Reply Refer To:

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Ref. IM No. 2005-166 and No. 2006-102

EMS TRANSMISSION 12/18/2006

Instruction Memorandum No. 2007-028

Expires: 09/30/2008

To: All State Directors

From: Assistant Director, Renewable Resources and Planning

Subject: Federal Lands Recreation Enhancement Act (REA) -- Final Public Participation Policy for Certain Recreation Fee Adjustments and Proposed New Fee Sites/Areas

Program Area: Recreation Fees

Purpose: This directive provides: 1) policy and guidance for public participation in the establishment of, or adjustment to, certain recreation use fees; and 2) compliance with the public participation provisions of the Federal Lands Recreation Enhancement Act (REA; PL 108-447, Section 804; Attachment 1). This guidance applies to all States that charge recreation fees.

Policy/Action: REA requires that all Bureau of Land Management (BLM) and USDA Forest Service (FS) recreation fee adjustments and proposed new fees sites/areas be reviewed by either: 1) a new Recreation Resource Advisory Committees (RRAC); or 2) an existing Resource Advisory Council (RAC). Alternatively, REA provides for no RRAC or RAC involvement if the Secretaries of Agriculture and the Interior have determined, in consultation with the Governor that sufficient interest does not exist for a particular state.

On September 1, 2006, the Deputy Secretary of the Interior and the Under Secretary for the Department of Agriculture, Natural Resources and Environment signed an Interagency Agreement (IA). The IA (Attachment 2) outlines interagency implementation procedures for REA's RRAC requirements. On September 22, both the BLM and FS published separate Federal Register notices (Attachments 3 and 4) which specify whether each state or region will utilize either new FS-chartered RRACs or existing BLM RACs to review agency fee proposals. Per the IA, both the RRACs and the RACs may create recreation fee subcommittees to aid them in their duties. The IA also describes the duties, obligations and general operating parameters of the RRACs and RACs operating under REA authority.

Meetings of the existing BLM RACs, the new FS-chartered RRACs, and any Subcommittee meetings, if applicable, to consider recreation fees must be announced at least 1 week in advance in a local newspaper of record (as required by REA) and 15 days in advance in the Federal Register (as required by FACA). The meetings shall be open to the public with a clear process identified for the public's participation, and records of the meetings must be maintained and available for public inspection. See Attachments 2 and 5 for more specific guidance on public involvement; appropriate use of the BLM RACs or new RRACs; description of situations where consultation is required; and the limitations on the scope of the fee issues under the groups' purview.

State Directors Establish Public Participation Procedures / IMs: Each State Director shall establish the State-specific policy and procedures for meeting REA public participation requirements prior to establishing or changing recreation fees under this policy. In situations where a BLM-chartered RAC will be used, and since each BLM state's RAC situation is unique, the State Director shall coordinate and consult with their RAC(s) to arrive at an effective, state-specific, approach that meets REA's public participation requirements and complies with the September 1, 2006, Interagency Agreement and the September 22, 2006, BLM and FS Federal Register Notices. The State Director also will establish the protocols used by the State Office or Field Offices to provide the RAC with the necessary opportunities to review and make recommendations on the establishment or adjustment to recreation fees. If the BLM-chartered RAC also will be used by the FS for fee issues, the State Directors will establish the procedures for FS access to the RAC. In those situations, State Directors will coordinate with the Regional Forester to assure FS needs are met.

In situations where BLM will utilize a FS-chartered RRAC, Regional Foresters will have the lead responsibility for setting procedures and protocols for the RRACs. In this instance, the State Director will coordinate with the Regional Forester to assure BLM needs are met.

When established, these State-specific RAC and RRAC policies and procedures should be announced in a State Office Instruction Memorandum.

Public Participation in General: Attachment 5, the BLM Guide to Providing Public Participation for Recreation Fees Established Under REA, provides the minimum required public participation for either establishing new recreation fee sites or changing fees at existing sites. The attachment also suggests some additional approaches to public participation and makes recommendations for managing the workload associated with fee establishment.

Time Frame: Effective immediately, on a State-specific basis.

Budget Impact: Impact on the overall BLM budget is minimal. In most BLM states, the BLM will utilize its existing chartered and funded RACs. In BLM states where new FS-chartered RRACs will be utilized, the FS will be responsible for their costs.

Background: Section 804 of REA requires the Secretaries of Agriculture and the Interior to provide the public with an opportunity to participate in the establishment and implementation of recreation fees. In response to REA, the Secretaries of Agriculture and the Interior published their public involvement requirements under the title "Notice of Guidelines for Public Involvement in Establishing Recreation Fee Areas and for Demonstrating How the Public Was Informed on the Use of Recreation Fee Revenues" in pages 56622 and 56623 of the *Federal Register*, Volume 70, No. 186, dated September 28, 2005. These guidelines provide the minimum public involvement requirements for all recreation fee decisions.

REA requires the FS and the BLM to utilize new RRACs or to use existing BLM RACs to allow for formal public input prior to the establishment of new fee sites or areas and the imposition and adjustments to specific types of existing recreation fees. While this review requirement applies to all noncommercial, individual Special Recreation Permits (SRPs), it does not apply to commercial and competitive SRPs that are processed in accordance with the 2930 Manual (Recreation Permit Administration-Policy and Program Direction for Reviewing, Issuing, Administering, Evaluating, Monitoring, And Management) and 2930 Handbook (Recreation Permit Administration).

During June, 2006, BLM's Recreation and Visitor Services Division led conference calls with BLM's Intergovernmental Affairs Division and each State Office to coordinate State-specific approaches to comply with Attachments 1-5.

Directives Affected: As these processes are implemented they will replace the interim recreation fee guidance provided in Washington Office Instruction Memorandum 2006-102. This policy will be incorporated into BLM Manual 2930 and the Handbook 2930.

Coordination: This guidance comports with the agreement between the Secretary of Agriculture and the Interior (Attachment 2).

Contact: If there are any questions concerning this directive, please contact Bob Ratcliffe, Division of Recreation and Visitor Services, by telephone at (202) 452-5040; or Patrick Wilkinson, Division of Recreation and Visitor Services, by telephone at (202) 452-7796.

Disclaimer: Check the BLM Directives Website to verify that this is the current directive before use.

Signed by:
Jeff Rawson
Acting, Deputy Assistant Director
Renewable Resources and Planning

Authenticated by:
Robert M. Williams
Division of IRM Governance, WO-560

5 Attachments

[1 - Federal Lands Recreation Enhancement Act; Public Participation and Recreation Resource Advisory Committee Provisions \(4 pp\)](#)

[2 - Interagency Agreement \(7 pp\)](#)

[3 - Federal Register Notice: Bureau of Land Management Implementation of Recreation Resource Advisory Committee Provisions of the Federal Lands Enhancement Act \(Public Law 108-447, Div. J, Title VIII \(2 pp\)](#)

[4 - Federal Register Notice: Forest Service; Recreation Resource Advisory Committees \(4 pp\)](#)

[5 - Federal Lands Recreation Enhancement Act -- BLM Guide to Providing Public Participation for Recreation Fees \(3 pp\)](#)