

**FEDERAL LANDS RECREATION ENHANCEMENT ACT –
BLM GUIDE TO PROVIDING
PUBLIC PARTICIPATION FOR RECREATION FEES
September 25, 2006**

Introduction

Section 804 of the Federal Lands Recreation Enhancement Act (REA; PL 108-447) requires the Secretary of the Interior to provide the public with a new 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. 187, dated September 28, 2005. These guidelines are now in full force and effect and provide the minimum guidelines for all recreation fee decisions. This guide contains BLM’s approach and procedures for meeting the public participation requirements of REA.

Applicability

These guidelines apply to the following actions:

- Establishing a new fee site.
- Establishing a fee for an existing site that is presently free.
- Establishing any fee for a Special Area SRP.
- Changing the fee for any of the above three items.
- Establishing or changing fees for BLM standard and/or enhanced amenity sites when issuing or renewing a management agreement or contract for site management.

These guidelines do not apply to the following:

- Imposing cost recovery on an SRP.
- Issuing SRPs.
- BLM Director and State Director establishment of application or minimum fees for commercial (including assigned site fees), competitive and organized group SRPs.
- Placing a site into the National Reservation System with no change to the area fee.
- Reservation fees and administrative charges by the National Reservation System.
- Fees charged by concessionaires under the terms of a current contract.
- Additional camping or picnic units added to an existing fee site where the fee is unchanged.
- Actions that do not affect the fee paid by the public, such as changing the location or method of collection, or changing accounting codes or procedures.

While these items are not covered by REA, other public participation or notification requirements may apply. Even when public participation is not mandatory, the recreation program is well served by public outreach and communication.

Objectives

In addition to assuring compliance with REA, the BLM has the following objectives in this public participation process:

- Identifying key individuals, groups and communities of interest concerned with the recreation program.
- Providing the public with an understanding of the needs and benefits of the recreation fee program.
- Ensuring public issues and concerns are heard, understood and addressed in an open setting.
- Establishing positive relationships with public users and gateway communities to build support and encourage participation in public lands recreation.

Washington Office Review of All New Fee Areas and Fee Change Proposals

State Offices must send WO 250 all proposals of new fee areas and fee changes. WO 250 will respond to the proposals within two weeks. This review and approval must take place before the proposals are presented to the RACs and RRACs.

Federal Register Notice for New Fee Areas

A Federal Register Notice of Proposal is required only for the establishment of new fee areas, and must be published at least six months prior to the establishment of any new fee area. (Use of the Federal Register to announce changes to the fees at existing fee areas is optional.) This notice may be published before, during, or after the other public participation requirements, depending on the public participation strategy for a given project. In any case, the Notice shall provide an opportunity for public participation and agency response. This Federal Register Notification may be combined with the required Federal Register announcement of a RAC or RRAC meeting.

Use of RRACs/RACs

REA provides for the establishment of Recreation Resource Advisory Committees (RRACs) or the use of an existing BLM-chartered RAC. These entities must be consulted and given opportunities to provide recommendations on the following:

1. The implementation of a standard amenity recreation fee or an expanded amenity recreation fee, or the establishment of a new fee area.
2. The elimination of a standard or expanded amenity recreation fee.
3. The expansion or limitation of a recreation fee program.

In order for a RAC/RRAC to make a recommendation on an agency fee proposal, REA requires that it must document “general public support” for the recommendation.

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, 3, and 4 for further clarification on the organization and use of RRACs/RACs.

Public Outreach for New Fee Sites

The BLM will identify outreach efforts to encourage public involvement in the establishment of new recreation fee areas. Outreach efforts may include recreation fee site visits, public meetings, focus groups, newsletters, and Websites. Public involvement opportunities will include sharing plans developed by the cooperating agencies for establishment of a recreation fee area. These plans generally will contain:

1. A description of the new recreation fee area;
2. A financial analysis, including projected development, operating, and maintenance costs and projected income for the fee area;
3. An analysis of existing private and public facilities or services in the vicinity of the fee area that may compete with it; and
4. A description of how the BLM will inform the public as to how the fees collected at the area will be spent.

Public Notification of Fee Program Accomplishments

Fees and fee programs enjoy their best support when the public understands the fee remains on site and provides for their benefit. All fee areas must display the required Fee Area Sign. The BLM will continue to report fee program accomplishments in a report to Congress. Fee proposals and accomplishments shall be posted on-site and on local office Websites. Periodic reports to state and local tourism officials and local governance may be useful as well. News releases and dedication ceremonies are appropriate for major projects involving fee revenues.

Other Public Outreach

Beyond the minimum statutory requirements, BLM will use additional techniques to assure the public is informed and involved. In addition to publishing a notice in the local paper, it is important to identify and reach communities of interest. When a large percentage of recreation users come from a neighboring area, it is important to publish in their newspaper as well. If the users are an identifiable group such as river runners, mountain bikers, ATV riders, cavers, etc., it is important to reach those groups through their publications, message boards and other networks. .

Field and State Offices are encouraged to package fee proposals both to reduce workload and to foster public understanding of the program. Consider using the following techniques:

- Package all routine fee increases together for consideration at one time.
- When you are planning for new fee areas in Resource Management Plans or activity plans, do the public participation in the planning rather than the implementation phase.
- Consider using an index for routine adjustments to fees. Use public participation to establish the method and index rather than for each individual adjustment.

Documentation Requirements

It is important to keep records of all public participation in recreation fee issues. Records to be kept for a minimum of three years include but are not limited to:

- Federal Register Notices;
- News Releases, legal notices, press clippings;
- Written public comments and responses, whether paper or electronic; and
- Record of RRAC/RAC meetings or any other public meeting where recreation fees are on the agenda.
- RAC/RRAC documentation of general public support for their recreation fee recommendations.