

Colorado Recreation Resource Advisory Committee



PRESENTATION TO
THE FRONT RANGE BLM COLORADO RESOURCE
ADVISORY COUNCIL MEETING
APRIL 27TH, 2011
CANON CITY, CO

Recreation Enhancement Act (REA)

- **Enacted in 2004**
- **10-year authority**
- **Secretary creates advisory committees**
- **Advisory committees review fees**

REA was enacted in December 2004; it provides a 10-year recreation fee authority for five Federal agencies: FS, BLM, National Park Service, Fish and Wildlife Service, and the Bureau of Reclamation.

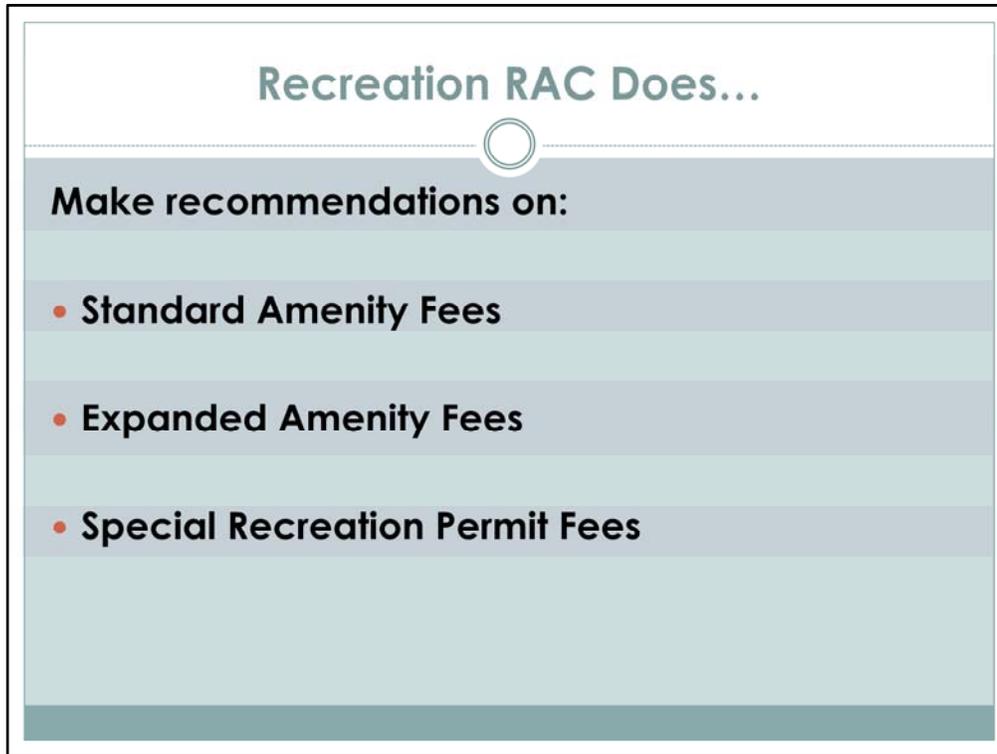
REA directs the Secretaries of Agriculture and the Interior, to establish advisory committees to make recommendations on recreation fees in each State or region for Federal recreational lands and waters managed by the FS or the BLM.

Colorado Recreation RAC (RRAC)

- **Purpose to provide fee recommendations**
- **Citizens advisory committee**
- **Federal Advisory Committee Act (FACA)**
- **BLM shares RRAC with Forest Service**
- **11 members from legislated interest groups**
- **RRAC & RACs have different appointing authority, scope, & organization**

A citizens advisory committee that makes recommendations on creating new or changing existing recreation fees managed by the Bureau of Land Management (BLM) and the US Forest Service (USFS) in Colorado.

Subject to the provisions of the Federal Advisory Committee Act (FACA)



What They Do:

The Recreation RACs provide recommendations on implementing or eliminating standard amenity fees, expanded amenity fees, and non-commercial individual special recreation permit fees; expanding or limiting the recreation fee program; and fee level changes (increases or decreases).

- Standard Amenity Fees, which can include National Conservation Areas, National Volcanic Monuments, destination visitor or interpretive centers, and areas with specific characteristics and amenities such as toilets, parking, trash receptacles, picnic tables, interpretation, and security.
- Expanded Amenity Fees, which may include developed campgrounds with specific amenities, highly developed boat launches, rentals, enhanced interpretive programs, and reservation services.
- Special Recreation Permit Fees, which replaces similar authority under the Land and Water Conservation Fund Act.

Standard Amenity Fee



- National Conservation Area;
- Visitor or interpretive center with services; or
- An area with:
 - Significant opportunities for outdoor recreation;
 - Substantial federal investments;
 - Efficient fee collection opportunities; and
 - Developed parking Permanent toilet facility
 - Trash collection Interpretive signs
 - Picnic tables Security services

Expanded Amenity Fee

Any 1 of:

- Built up boat launches
- Cabins, shelters, boats, stock animals, historic structures...
- RV Hookups
- Sanitary dump stations
- Robust interpretive sites
- Reservation services
- Transportation services
- Staffed first-aid services

- Developed campgrounds with at least 5 of:

Tent or trailer spaces—Picnic tables—Access roads—BLM fee collection—Visitor protection—Drinking water—Refuse containers—Toilet facilities—Campfire containment

- Developed swimming sites with at least 4 of:

Bathhouses—Trash bins—Lifeguards—Picnic Tables—Swimming area—Paved parking—Swimming deck

Special Recreation Permit Fees



• ???

Recreation RAC Does Not...

Make recommendations on:

- Concession sites
- Commercial permits (outfitting)
- Special recreation permits for events (races).

What They Do Not Do:

Recreation RACs do not make recommendations on recreation fee sites operated by a concessionaire or contractor, commercial permits such as outfitting and guiding, or Forest Service special use permits and BLM special recreation permits issued for group events such as bike races.

Colorado Fee Review Status

- **RRAC Charter expired in 2009**
- **No RRAC quorum since 2009**
- **Proposals in limbo**
- **Potential loss of \$\$\$ for projects**
- **Potential resource harm**

The Colorado Recreation Resource Advisory Committee ("**RRAC**") has not been functional since the expiration of its Charter in 2009.

The RRAC cannot reconvene until the Charter is renewed.

The RRAC is also pending the completion of the Board Appointment process by the Secretary of Agriculture.

Interim RAC Authority for Colorado

- **RACs passed unanimous resolutions to do RRAC duties for 1 year**
- **BLM informed Forest Service our RACs will review BLM fee proposals for 1 year**
- **REA permits RAC use**
- **RACs will use their charters to guide reviews**

On March 24th, BLM Director Bob Abbey sent a letter to the Chief of the USDA Forest Service notifying him that the BLM will immediately begin to use its Colorado RACs to review BLM recreation fee proposals.

The three existing BLM RACs (Front Range, Northwest and Southwest) will be used to perform RRAC responsibilities pertaining to only BLM managed public lands and waters.

BLM RAC Personnel

BLM Designated Federal Official

- District Manager

BLM RAC Coordinator

- Public Affairs Officer

State Office coordination

- State Director (Social & Cultural Resources)

Field Office proponent

- Field Manager (Recreation lead)

RAC Coordinator to BLM?

Designated Federal Official – BLM District Manager – Calls meetings; attends meetings; approves the agenda; may serve as chair in absence of chairperson; adjourns the meetings when it is in the public interest.

BLM RAC Coordinator – Public Affairs Officer – Assists District Manager and RAC Chair; conducts public outreach for RAC meetings (e.g. Federal Register, newspapers, mailings); coordinates meeting locations and dates; posts information on agency web sites; and assists with RAC record-keeping, minutes and reports.

State Office Coordination – Social & Cultural Resources Branch – Coordinates comprehensive BLM review of proposals for legality and completeness before RAC review.

Field Office Proponent – Prepares proposal, conducts public outreach, makes presentation, and supports review.

RAC Coordinator to BLM?

RAC Fee Review Process

1. Field Office develops proposal
2. Field Office seeks public input
3. Field Office presents to State Director
4. Washington reviews
5. BLM forwards to RAC
6. RAC reviews and recommends
7. BLM implements, modifies, or withdraws

BLM Recreation Fee Proposals Step-by-Step Review & Approval Process

Following is a general outline of BLM's recreation fee review and approval process. This process applies to new fee proposals as well as adjustments to existing fees. State Directors and Recreation RAC (RRAC) / Resource Advisory Council (RAC) members will develop the details of State-specific processes, but in general the process includes the following:

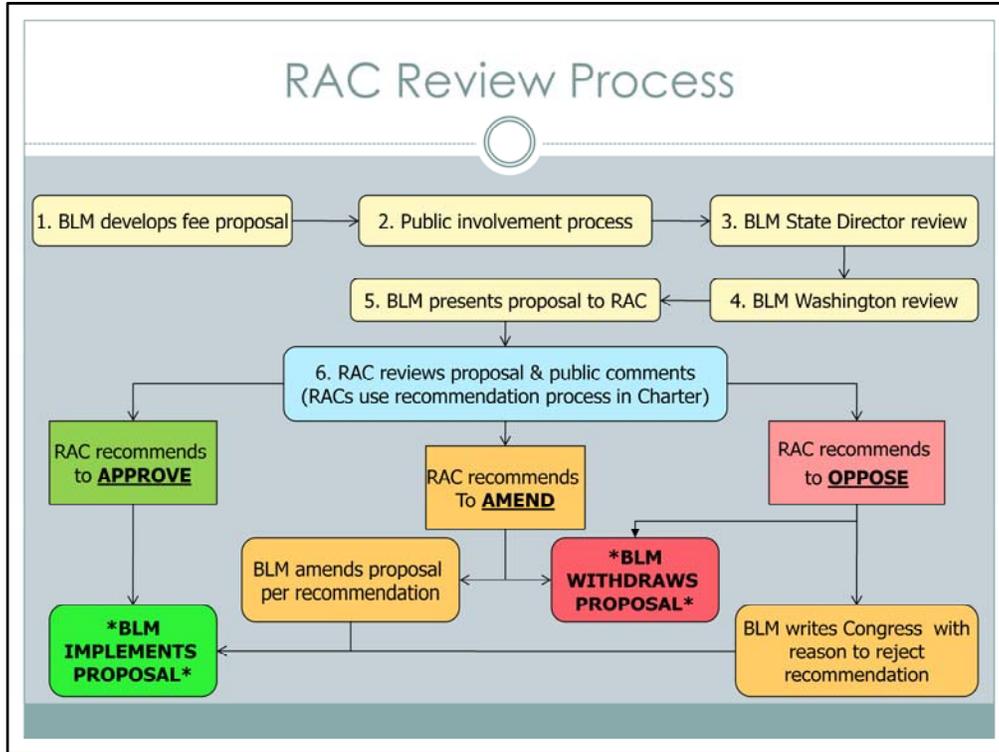
1. Field Offices develop proposals to present to the RRAC/RAC, which may include:
 - A. Business plans
 - 1) Description of the new recreation fee area or proposed fee adjustment.
 - 2) Financial analysis.
 - 3) Analysis of existing private and public facilities or services, including fees charged.
 - 4) Description of how the unit will inform the public about expenditures.
 - B. Public involvement (*See related BLM IM and attachments.*)
 - 1) Fee proposal notice (general public outreach).
 - 2) New fee area notices in the Federal Register at least six months prior to establishment.
 - 3) News stories or paid ads in local media.
2. Field Offices present proposal to State Director, or designee, for review.
3. If the State Director, or designee, approves of the proposal, it then goes to BLM's National Recreation and Visitor Services Division (WO 250) for review.
4. National Recreation and Visitor Services Division reviews proposal and, in consultation with the Field, determines if the proposal is sent to RRAC/RAC for recommendation.
5. RRAC/RAC makes recommendation. (RACs will use existing recommendation process as approved in charter)
6. If the RRAC/RAC recommendation matches or affirms the proposal, the proposal can then be implemented.
7. If the RRAC/RAC recommends a modification to the proposal and the State Director, or designee, agrees with the recommended modification, the proposal can then be implemented (or it can be withdrawn).
8. If the RRAC/RAC recommendation does not affirm the proposal, the State Director, or designee, must determine if the Field Office would still like to move forward with the original proposal. If the State Director, or designee, wishes to pursue the original proposal, the National Recreation and Visitor Services Division will coordinate with the Field and DOI to issue the REA-required written notification to Congress for rejecting the RRAC/RAC recommendation.

Outcomes of RAC Recommendation

If the RAC recommends:

- **Affirmation**, proposal can be implemented
- **Modifications** our State Director agrees to, proposal can be implemented (or withdrawn)
- **No affirmation**, our State Director must decide whether to withdraw or pursue proposal
 - If State Director wishes to pursue the proposal, BLM will issue REA-required written notification to Congress for rejecting recommendation (*very rare*)

RAC Review Process



BLM Fee Proponents

The BLM proponents will:

- **Comply with REA and agency rules**
- **Develop fee proposals**
- **Ensure public involvement**
- **Coordinate review**
- **Assist with public notification requirements**
- **Provide briefing on fee proposals to RAC**

The agency proponents for recreation fee proposals should:

- accomplish actions required by REA and their internal agency rules, including opportunities for public involvement, prior to submission of proposals to the RACs.
- coordinate with the BLM State Office staff (Recreation Program Lead and RAC Coordinator) and REA Work Coordinator to arrange for their fee proposals to be scheduled for discussion at a future RAC meeting.
- submit fee proposals to the BLM State Office staff and REA Work Coordinator at least 45 days prior to the RAC meeting. Content of the fee proposals should follow internal agency practices.
- assist the BLM State Office staff with public outreach and notification of the RAC recreation fee review meetings by providing press releases and mailing lists of members of the public who participated in the fee development process.
- brief their fee proposals to the RACs when scheduled on the meeting agendas.

Fee Review Documents

RACs will use RRAC forms:

- **New Fee or Fee Change Proposal**
- **Summary of Public Involvement**
- **Fee Revenue Expenditure**
- **Non-Fee Revenue Expenditure**

BLM fee proposals will include Business Plan

Forms for Recreation Fee Proposals

1. Colorado BLM RACs will existing forms from the RRAC
 - a. New Fee or Fee Change Proposal Form
 - b. Recreation Fee Proposals Summary of Public Involvement
 - c. Fee Revenue Expenditure
 - d. Non-Fee Revenue Expenditure
2. All BLM fee proposals will submit a Business Plan

Business Plan

- **Background**
- **Project description**
- **Business rationale and justification**
- **Compliance with REA**
- **Financial analysis**
- **Market assessment of similar sites in region**
- **Social & economic impacts to users & community**
- **No action alternative**
- **Documentation of public participation**

Guidelines for Recreation Fee Proposals

1. REA Criteria. Demonstrate how the proposal complies with REA criteria for amenity fees, expanded amenity fees, or special permit fees as applicable. It is suggested that a checklist of REA criteria be shown which highlights those amenities included in the fee proposal.

2. Business Plan. Document the business rationale, financial analysis, and justification for the fee proposal. The following items should be addressed by the business plan:

- Background about the recreation site and public usage
- Project Description (name, location, map, fee type, photos if possible)
- Business Rationale and Justification for the Proposed Fee (include the project's objectives and how the fee proposal fits in with the agency's overall recreation budget and program strategy)
- Financial Analysis (services/benefits to be provided, fee calculation, service costs covered by appropriated funding or other agency sources, proposed use of anticipated fee revenues, percent of revenues to be expended at the site)
- Market Assessment (market survey of similar recreation sites or projects in the regional area, number of fee and no fee sites, level of fees)
- Social/Economic Impacts (describe affected users and the anticipated positive and negative impacts of the fee proposal on recreational use and local communities)
- No Action Alternative (describe the impact of a status quo alternative, including services/benefits to be reduced or eliminated; is the recreation site still viable for public use?)

3. Public Participation. Describe the agency's efforts to solicit public involvement. Summarize the number and content of public comments. Identify organized recreational groups and their comments.

RAC Review & Recommendation

The RAC will:

- **Schedule meetings**
- **Include fee proposals in the agenda**
- **Provide public notice of meetings**
- **Hear presentations from BLM fee proponents**
- **Hear public comments**
- **Approve a motion for a recommendation**
- **Provide any needed reports to comply with REA**
- **Provide public education about the RAC**

The RAC should:

- review the fiscal year schedule of agency fee proposals to determine the optimum timing and location of RAC meetings.
- include agency fee proposals in the agenda and public notice of the RAC meeting.
- hear presentations from agency fee proponents and comments from members of the public at the RAC meeting.
- review and discuss the REA Work Coordinator report and draft motion.
- approve a motion which provides the RRAC's recommendation to the Designated Federal Official.
- provide any reports necessary to comply with REA requirements.
- assist with public outreach and education about the RACs process.

RAC Review?



- **Does the proposed fee comply with REA?**
- **Is there adequate public support for the fee?**
- **Will the proposed fee benefit visitors?**
- **Will the proposed fee benefit communities?**
- **Is the proposed fee reasonable?**
- **Does the RAC recommend to affirm, modify, or not affirm the proposal?**

Charters Requires Unanimous Agreement

Unanimous agreement of all Council members will be needed to forward a request to the Secretary as provided for under 43 CFR 1784.6-1(i).

QUORUM AND VOTING REQUIREMENTS: A majority of the Council members of each of the three interest groups must be present to constitute a quorum. To make a recommendation to the DFO requires an affirmative vote of the majority of the members from each interest group. Unanimous agreement of all Council members will be needed to forward a request to the Secretary as provided for under 43 CFR 1784.6-1(i).

Pending Fee Proposals



Field Office RAC	Fee Site Name	Fee Type	Existing or New Fee:	Fee Level & Proposed Increase
Grand Junction NW RAC	North Fruita Desert Campground	Expanded	New	\$7 – \$10 per campsite
Grand Junction NW RAC	Mud Springs	Expanded	Existing	10 per campsite
Gunnison SW RAC	Mill Creek Campground	Expanded	Existing	\$7 to \$10; Per campsite
Gunnison SW RAC	Oh Be Joyful Campground	Expanded	New	\$5 per campsite
Royal Gorge FR RAC	Sand Gulch Campground	Expanded	Existing	\$4 per site to \$10, Group Sites from \$8 to \$20
Royal Gorge FR RAC	The Bank Campground	Expanded	Existing	\$4 per site to \$11, Group Sites from \$8 to \$20
San Luis Valley FR RAC	Zapata Falls Campground	Expanded	New	\$11 per campsite, Group Sites \$20
San Luis Valley FR RAC	Penitente Campground	Expanded	Existing	\$5 per site to \$10, Group Sites from \$15 to \$20

Minimally, BLM Must Ensure...

- 80% percent of revenue is spent on site
- Revenues and expenses are accounted for
- Public notice and involvement occurs
- Reporting requirements are met
- At least 1 of the following is at the fee site:
 - Parking
 - Picnicking along roads or trailsides

Fee Must...



- Be balanced with visitor benefits and services
- Be comparable to fees charged nearby
- Not layer recreation fees (nickel & dime)
- Be used for at least 1 of:
 - Repair, maintenance & facility enhancement for visitor enjoyment, access, health and safety
 - Interpretation, information, service, needs assessments
 - Habitat restoration for wildlife-dependent recreation (hunting, fishing, observation or photography)
 - Law enforcement related to public use and recreation
 - Direct operating or capital costs for the fee program

Fee Must Not Be For...



- General access to the area
- General entrance
- Dispersed areas with little BLM investment
- Driving, walking, boating, horseback riding or hiking through federal lands and waters without using the facilities and services
- Use of overlooks or scenic pullouts
- Travel over any road commonly used as a means of travel between two places

Fee Must Not Be For...



- Access to private property
- Hunting or fishing
- Conduct of official business
- Special attention or services for the disabled
- Any person under 16 years old
- Outings for noncommercial educational purposes by schools

Fee Must Not Be For...



- Any non-recreational activity permitted under any other Act, including valid grazing permits
- Biological monitoring on federal lands and waters under the Endangered Species Act
- Employee bonuses

For more information



http://www.blm.gov/publish/wo/en/prog/Recreation/recreation_national/recreation_fees_/recreation_racs/recreation_rac_org.html

http://www.blm.gov/co/st/en/BLM_Programs/recreation/recfeeqa.html

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