Interagency Agreement

between the

United States Department of Agriculture
Forest Service
FS Agreement #: 06-IA-11132424-137
and
United States Department of the Interior
Bureau of Land Management

Regarding

Interagency Implementation of the Federal Lands Recreation Enhancement Act Requirements for Recreation Resource Advisory Committees regarding Recreation Fees

This Interagency Agreement (IA) is made and entered into between the United States Department of Agriculture, Forest Service, hereinafter referred to as the FS, and the United States Department of the Interior, Bureau of Land Management, hereinafter referred to as the BLM. This IA is consistent with the provisions of the Federal Lands Recreation Enhancement Act (REA) (Public Law 108-447).

I. Background

The REA was enacted in December 2004. The REA 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. A minimum of 80 percent of funds collected under the REA will be reinvested at the recreation fee unit. In addition, the REA directs the Secretaries of Agriculture and the Interior, herein referred to as Secretaries, 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, herein referred to as Agencies, if necessary. The REA states that the Agencies may use existing Federal resource advisory committees (section (4) (d) (1) (D)) or establish new advisory committees.

For the purposes of this IA, Advisory Councils refer to BLM Resource Advisory Councils; newly established Recreation Resource Advisory Committees are referred to as Recreation RACs.

This IA authorizes the FS to use existing BLM Advisory Councils for the purposes stated in the REA provided that the Agencies have determined their use is appropriate when considering recreation fee issues. In addition, this IA authorizes the BLM to use FS-established Recreation RACs for the purposes stated in the REA. Where the Agencies determined it was inappropriate to use existing BLM Advisory Councils, the Agencies have agreed to either: 1) establish a new Recreation RAC, which may serve both Agencies or may only serve one Agency; 2) use an existing FS advisory committee; or 3) not establish a Recreation RAC in a State where the

Secretaries, in consultation with the Governor of the affected State, have determined that sufficient interest does not exist, as allowed under REA.

For the new Recreation RACs, the FS will be the lead agency. The BLM will continue to be the lead agency for its Advisory Councils.

II. Purpose

This IA's general objectives are in accordance with the Secretaries' responsibilities to:

A. Provide opportunities for public participation and prior notice on recreation fees;

B. Communicate with the public on how fee revenues are being spent to improve visitor facilities and services; and

C. Consider recommendations concerning recreation fees in accordance with REA.

III. General Duties of Advisory Councils and Recreation RACs regarding Recreation Fees

The following direction applies to those Advisory Councils selected to provide recommendations on recreation fees. The members of an Advisory Council or Recreation RAC will serve in an advisory capacity to the Secretaries through the BLM State Directors and the FS Regional Foresters within the Advisory Council's or Recreation RAC's area of jurisdiction on matters including, but not limited to:

A. The implementation of a standard amenity recreation fee or an expanded amenity recreation fee or the establishment of a specific recreation fee site;

B. The elimination of a standard amenity recreation fee or an expanded amenity recreation fee;

C. The expansion or limitation of the recreation fee program;

D. The implementation of noncommercial, individual special recreation permit fees; and

E. The implementation of fee level changes (increases or decreases).

IV. Specific Duties of Existing BLM Advisory Councils

A. Recreation Fee Subcommittee Establishment

The following direction applies only when an Advisory Council provides recommendations on recreation fees. These Advisory Councils may establish subcommittees for recreation fee-related matters. The membership of a

subcommittee shall include a broad and balanced representation from a local community, the recreation community, and other interested communities. The subcommittee membership will usually be composed of 7 to 13 members and should, where possible, include representatives of the following categories of interest within areas covered by the REA: Motorized and non-motorized recreation, hunting and fishing, motorized and non-motorized outfitters and guides, local environmental groups, State and local government, Indian tribes, or State tourism official. A FS or BLM representative or both shall attend meetings of each recreation fee subcommittee. A subcommittee member selected by the subcommittee will be responsible for making subcommittee presentations to the Advisory Council. In addition:

1. Where States have multiple Advisory Councils, such Advisory Councils may use the same recreation fee subcommittee or multiple subcommittees for information and advice regarding recreation fees.

2. As required in 43 CFR 1784.4, subcommittees shall provide timely public notice of meetings, which must be open to the public and during which the public shall be given an opportunity to participate according to a prearranged procedure. Records shall be kept of all items listed in 43 CFR 1784.5-3.

3. No Advisory Council or subcommittee member shall participate in any matter specifically concerning any lease, license, permit, contract, claim, or agreement with the Agencies or related litigation in which the member has a direct interest. As described in 43 CFR 1784.2-2, members of the Advisory Council and subcommittees shall be required to disclose their direct or indirect interest in leases, licenses, permits, contracts, or claims that involve lands or resources administered by the BLM or FS, or in any litigation related thereto (see USDA's Departmental Regulation 1041-1, 11a (9)).

4. Advisory Councils shall not be limited to only establishing a recreation fee subcommittee.

B. Approval Procedures

1. The Advisory Council shall establish procedures for making recommendations to the Secretaries. A recommendation requires approval by a majority of the members of the Advisory Council as outlined in its operating procedures, as well as documentation of general public support.

2. The subcommittee reports to and advises the Advisory Council. The Advisory Council shall include in its recommendations to the Secretaries any recommendations made by the subcommittee and a summary of the discussion during public meetings.

C. Mutual Agreements between the Agencies

1. A FS representative must attend Advisory Council meetings when FS recreation fee-related issues are an agenda item. The BLM Designated Federal Officer or designee will ensure that recommendations related to FS recreation fee issues will be provided to the appropriate FS official. When the Advisory Councils' charters are renewed, the BLM will amend current charters to include a provision that reflects the Advisory Councils' duties on recreation fees for the BLM and FS as outlined in this IA. Under the new charters, the relevant FS Regional Forester, or designee, will serve as an ex officio FS official to the Advisory Councils for meetings when FS recreation fees are on the agenda. Recreation fee recommendations concerning the FS will be presented directly to the ex officio FS official.

2. Resource Advisory Councils and recreation fee subcommittees will make recommendations regarding recreation fee issues for both the FS and BLM.

3. In the event an Advisory Council is terminated or reconfigured, particularly with the addition or exclusion of geographic areas, responsibility for providing advice on recreation fees will be revaluated and potentially reassigned to another Advisory Council as appropriate.

V. Specific Duties of newly established Recreation Resource Advisory Committees

A. Subcommittee Establishment

Recreation RACs may establish subcommittees to address specific recreation fee issues or to ensure local input. A FS or BLM representative or both shall attend meetings of each recreation fee subcommittee. A subcommittee member selected by the subcommittee will be responsible for making the subcommittee presentation to the Recreation RAC. In addition:

1. The subcommittee should be composed of broad and balanced interests.

2. Recreation RACs should encourage subcommittees to provide timely public notice of meetings that are open to the public and during which the public is given an opportunity to participate according to a prearranged procedure. Subcommittees shall keep meeting minutes that include names of attendees, public comments and a list of recommendations that are presented to the Recreation RAC.

3. No Recreation RAC or subcommittee member shall participate in any matter specifically concerning lease, license, permit, contract, claim or agreement with the Agencies or related litigation in which the member has a direct interest. In the same manner as members of the Advisory Councils, members of the Recreation RAC and subcommittees shall be required to disclose their

direct or indirect interest in leases, licenses, permits, contracts, or claims that involve lands or resources administered by the BLM or FS, or in any litigation related thereto (see 43 CFR 1784.2.2 and USDA's DR 1041-1, 11a (9)).

B. Approval Procedures

1. The Recreation RAC shall establish procedures for making recommendations to the Secretaries. A recommendation requires approval by a majority of the members of the Recreation RAC as outlined in its operating procedures, as well as documentation of general public support.

2. The subcommittee reports to and advises the Recreation RAC. The Recreation RAC shall include in its recommendations to the Secretaries any recommendations made by the subcommittee and a summary of the discussion during public meetings.

C. Mutual Agreements between the Agencies

1. The relevant BLM State Director, or designee, will serve as an ex officio BLM official to the Recreation RACs for meetings when BLM recreation fees are on the agenda. Recreation fee recommendations concerning the BLM will be presented directly to the ex officio BLM official.

2. The call for nominations for Recreation RACs will apply to those interested in the FS and BLM recreation fee issues.

VI. Additional Mutual Agreements between the Agencies

It is mutually agreed to and understood by all parties that:

A. Modification

Modifications within the scope of this instrument shall be made by mutual consent of the parties, by the issuance of a written modification, signed and dated by all parties, prior to any changes being performed.

B. Participation in Similar Activities

This instrument in no way restricts the FS or the BLM from participating in similar activities with other public or private agencies, organizations, and individuals.

C. Commencement/Expiration Date

This instrument is executed as of the date of the last signature and is effective for a 5-year period from the date of the last signature at which time it will expire unless extended.

D. Termination

Any of the parties, in writing, may terminate this instrument in whole, or in part, at any time before the date of expiration.

E. Principal Contact

The principal contacts for this instrument are:

FS Contact	BLM Contact
Jennifer Eberlien	Patrick Wilkinson
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FAX: 202-205-1145	FAX: 202-452-7709
E-Mail: Kparis@fs.fed.us	E-Mail: Hal_Hallett@blm.gov

VII. Funding

This instrument is neither a fiscal nor a funds obligation document. Any endeavor involving reimbursement or contribution of funds between the Agencies will be handled in accordance with applicable laws, regulations, and procedures including those for government procurement and printing. Such endeavors will be outlined in separate agreements that shall be made in writing by representatives of the Agencies and shall be independently authorized by appropriate statutory authority. Specifically, this instrument does not provide for such noncompetitive award to the cooperator of any contract or other agreement. Any contract or agreement for training or other services must fully comply with all applicable requirements for competition.

The Federal Advisory Committee Act contains prohibitory language concerning multiple agencies funding Advisory Committees unless authorized under established legislation. As stated in 5 U.S.C. App. 2, Section 12(b):

Each agency shall be responsible for providing support services for each advisory committee established by or reporting to it unless the establishing authority provides otherwise. Where any such advisory committee reports to more than one agency, only one agency shall be responsible for support services at any one time.

VIII. THE PARTIES HERETO have executed this instrument

P Lynn Scarlett

P. Lynn Scarlett
Deputy Secretary
Department of the Interior

AUG 3 1 2006

Date

Mark Rey

Mark B. Rey
Under Secretary
Department of Agriculture

9/1/06

Date