

Data Submitted (UTC 11): 11/23/2019 12:22:49 AM

First name: Chaz

Last name: Shand

Organization:

Title:

Comments: ATTN: Recreation Fees

To whom it may concern,

On October 8th, 2019 the U.S. Department of Agriculture released a statement seeking public input regarding a "Special Recreation Permit Fee" in the Deschutes and Willamette National Forests to begin in May of 2020. The Central Cascades Wilderness Strategies Project organized by the U.S. Forest Service seeks to implement new permits and fees for access, parking, hiking, backpacking, and camping in the aforementioned National Forests. The U.S. Forest Service states that its authority to impose such a "Special Recreation Permit Fee" comes from "the Special Recreation Permit authority of the Federal Lands Recreation Enhancement Act" or FLREA. The problem is though, that such permits and fees are NOT authorized by the FLREA under the Special Recreation Permit Fee subsection AND are specifically prohibited by many other subsections of the act.

First, here is the FLREA's Special Recreation Permit Fee subsection in its entirety: U.S. Code Title 16, Chapter 87, section 6802, subsection (h): "Special recreation permit fee - The Secretary may issue a special recreation permit, and charge a special recreation permit fee in connection with the issuance of the permit, for specialized recreation uses of Federal recreational lands and waters, such as group activities, recreation events, motorized recreational vehicle use." - Past examples of activities both requiring and granted special use permits include foot races, sled dog races, and whitewater rafting competitions.

However, the activities the U.S. Forest Service wants to permit and fee as "specialized" recreation uses in the Deschutes and Willamette National Forests (parking at trailheads, hiking through the area, camping in undeveloped locations, etc.) are considered "standard" recreation uses according to the FLREA, and are regulated according to "standard amenity" and "expanded amenity" fee guidelines. With that in mind, here is what the law actually says regarding when the Forest Service can or cannot legally charge fees for these uses and activities.

To begin, the FLREA - U.S. Code Title 16, Chapter 87, section 6802 (subsection (d) - prohibits the charging of any standard amenity recreation fee or expanded amenity recreation fee on Federal recreational lands administered by the Forest Service for any of the following:

- (A) Solely for parking, undesignated parking, or picnicking along roads or trailsides.
- (B) For general access unless specifically authorized under this section.
- (C) For dispersed areas with low or no investment unless specifically authorized under this section.
- (D) For persons who are driving through, walking through, boating through, horseback riding through, or hiking through Federal recreational lands and waters without using the facilities and services.
- (E) For camping at undeveloped sites that do not provide a minimum number of facilities and services as described in subsection (g)(2)(A).

To continue, U.S. Code Title 16, Chapter 87, section 6802 subsection (f) states that a standard amenity recreation fee for Federal recreational lands under the jurisdiction of the Forest Service IS authorized at the

following:

An area-

- (A) that provides significant opportunities for outdoor recreation;
- (B) that has substantial Federal investments;
- (C) where fees can be efficiently collected; and
- (D) that contains all of the following amenities:
  - (i) Designated developed parking.
  - (ii) A permanent toilet facility.
  - (iii) A permanent trash receptacle.
  - (iv) Interpretive sign, exhibit, or kiosk.
  - (v) Picnic tables.
  - (vi) Security services.

Furthermore, U.S. Code Title 16, Chapter 87, section 6802 subsection (g)(2)(A) - as mentioned previously in subsection (d)(E) - authorizes the charging of an expanded amenity recreation fee, either in addition to a standard amenity fee or by itself, at Federal recreational lands under the jurisdiction of the Forest Service, for the following facilities or services:

- (A) Use of developed campgrounds that provide at least a majority of the following:
  - (i) Tent or trailer spaces.
  - (ii) Picnic tables.
  - (iii) Drinking water.
  - (iv) Access roads.
  - (v) The collection of the fee by an employee or agent of the Federal land management agency.
  - (vi) Reasonable visitor protection.
  - (vii) Refuse containers.
  - (viii) Toilet facilities.
  - (ix) Simple devices for containing a campfire.

Regardless of these limitations, the Central Cascades Wilderness Strategies Project of the U.S. Forest Service seeks to implement permits and fees to charge visitors for parking, driving through, and hiking through Federal recreational lands that do not offer the facilities and services legally necessary to do so - and for camping at dispersed, undeveloped areas in the Deschutes and Willamette National Forests that do not provide the minimum number of facilities and services required to legally collect a fee under the FLREA. Subsection (d)(4) of the act puts it well: &quot;Nothing in this chapter shall limit the use of recreation opportunities only to areas designated for collection of recreation fees.&quot;

In conclusion, the proposed permit and fee structure in the Deschutes and Willamette National Forests reads as if it intends to ignore the the FLREA and charge visitors &quot;special recreation permit fees&quot; for &quot;standard&quot; recreational activities like hiking and camping. Under the plans of the U.S. Forest Service published in the Decision Notice of the Central Cascades Wilderness Strategies Project, a family could potentially be made to pay over \$100 in fees for a single camping trip - a charge many may not be able to afford. I wrote this letter with the intention to preserve personal freedom on our public lands, and condemn all classist permits & amp; fees that are proposed by the U.S. Forest Service to be implemented illegally.

I look forward to your response,

Chaz K. Shand

1003 Saling Ave. Medford, OR 97504