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Comments: Fwd: Suggested Comments on Forest Service's Special Recreation Permit Fee for Central Cascades. Due 11/25/19

Deschutes & Willamette National Forest,

Should the comment deadline be extended, or if additional materials become available, I reserve my right to modify, amend, supplement, or re-submit my comments.
I am opposed to the proposed Permit Fees for the Mt. Jefferson, Mt. Washington, & 3 Sisters Wilderness.

I enjoy recreating in all 3 wilderness areas. My main hobby is backpacking and fishing, with 5-12 overnight trips per season. The proposed fees will make it financially more difficult for me to enjoy the wilderness. As a man with a family to support and raise, the fees will mean reduction in Wilderness Use. I already do as much as I can personally to alleviate overcrowding. I hike Canyon Creek Meadows when there is snow instead of wildflowers, I camp at off trail lakes in the wilderness(fishing is usually better), and I have restricted naming pristine places on Social Media. I see very few people on busy weekends, and the pictures of trash and human poop that you so like to display on your slideshows is not seen where I walk. But now I must be financially punished for the few.

In regards to the legality of the fees:

16 USC Ch. 87: FEDERAL LANDS RECREATION ENHANCEMENT
(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.

How is hiking and dispersed camping considered "specialized recreation"? Or Group activities? Recreation Events? Plain and simple…It's not. The plain language of the statute is specifically limited to specialized recreation uses such as group activities, recreation events, and motorized recreational vehicle use. Activities such as hiking, walking, camping are wholly outside the scope of the special activities Congress intended to cover. When I attended the November 12th Public meeting at the Deschutes National Forest Headquarters I asked a Ranger how the FS legally justified themselves to use this special provision to charge access to the Wilderness. The response was " Sorry your interpretation of the law is different then ours, but we have legal precedent to do this." I then asked for a example and he mentioned Maroon Bells in Colorado before turning to someone else. If you care to research Maroon Bells you can plainly see the scope and access of the permit fees is nowhere the same to what the Deschutes & Willamette National Forest is proposing. This example is also counter to what FS employee has stated in countless propaganda news articles, "But both Allen and Peterson said having limited entry on such a large scale - across three wilderness areas and 450,000 acres - is an idea without much precedent."

This fee proposal is unprecedented. Willamette National Forest and Deschutes National Forest are the first national forests in the U.S. to try to implement a fee system across three wilderness areas that will charge all overnight users and 19 trailhead day users across over 450,000 acres.

The amount of the fee is exorbitant. For example, for an 8-person group that seeks to complete a 10-day

backing trip of the area, the fee will jump from its current amount of $0 to $406 ($5/person/day + $6 reservation fee).

The proposed fee violates FLREA, which prohibits charges for general access, hiking, dispersed camping, and other uses.

The proposed fee violates FLREA, which prohibits the Forest Service from charging an entrance fee. There is no way to enter the three wilderness areas for overnight use without paying this entrance fee.

The proposal will charge persons age 12 and over. But the FLREA prohibits charging such fees to people under 16 years of age. When I asked at the meeting why the decision to lower the age was, not one ranger could answer. Shockingly none of the rangers even knew about the age restriction. Finally one gave me a answer of " It's easier to ID a 12 year old and younger then a Sixteen year old." What??

Speaking of the public meetings for the Fee Proposal:

The Forest Service had posters, pictures and made a 15 minute presentation. Attendees were not allowed to make public comments; instead, the Forest Service broke the meeting attendees into groups for "informal" discussions despite members of the public demanding to be allowed to make public comments, and even asking for one 15 minute open comment period. Informal dispersed discussion groups made it difficult to hear each other in the group and throughout the room so no meaningful public engagement actually occurred.
The Forest Service engagement to questions was vague, combative, non-responsive, or deferred to email.

Public process requirements for the proposed fee are not satisfied.

The Forest Service has not provided a sufficient opportunity for public involvement or participation in the developing of recreation fees, has not established guidelines for public involvement, and has not established guidelines for how the agency will demonstrate on an annual basis how it will inform the public of the use of recreation fee revenues.

Notice documents have been wholly insufficient
In March 2019, the Forest Service said: "The public will have the opportunity to learn more about and comment on each of these items . . . annual pass option . . . volunteer pass . . . passes/permits to underserved communities."
In October 2019 the Forest Service's press release stated that it was seeking authorization through FLREA and sought "the public's engagement on the specifics of the fee structure."
But the documents made available during the current comment period do not provide the public with necessary information about any of these items.
In addition, the public cannot comment and participate because it lacks information about the Forest Service's rationale for the fee or the fee amount. We have no information about how the Forest Service developed these fees or how the proposed fees compare to fees in other areas. We also lack any information on which to comment about cancellations, weather problems, how the Forest Service will address day-of or last minute passes, how low income people will be included in the pass system.

The Forest Service states it is accepting comments on how the fees should be invested, but it offers no proposal for the public to comment on. No investment plan means no fees can be charged.
In the Forest Service's "Updated FAQ" sheet of October 2019, it states 80-95% of monies would be invested in wilderness management activities, trail maintenance, visitor education and expanding work with volunteers and partners within the three wilderness. How much money does the Forest Service expect to generate? Why did it propose these reinvestments? All of this must be explained and supported.

Without a substantive proposal to comment on, the public cannot meaningfully comment, and the Resource Advisory Committees will not be able to receive a proper proposal, and any recommendation the RACs make to the Forest Service can only be arbitrary, capricious, or contrary to law.

In closing, I again strongly voice my opposition to the proposed Wilderness Fees. It is morally and legally unjust to restrict people from public lands. I can only imagine if you proceed forward with your plan of action you will meet with a growing negative reaction. Hunters, Fishermen, Hikers, Backpackers, Horse Riders will set aside their differences and unite against this. Further more I will not pay the FS to restrict my access to public land, which is basically what you are asking us to do.

Thanks,
Erik Badzinski
Central Oregon Resident and Wilderness User.

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