

U.S. DEPARTMENT OF AGRICULTURE
WASHINGTON, D.C. 20250

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| DEPARTMENTAL REGULATION | | NUMBER: 1042-152 |
| SUBJECT: RECREATION RESOURCE ADVISORY COMMITTEES | DATE: October 2, 2008 | |
| | OPI: Forest Service | |

1. PURPOSE AND SCOPE

- a. This regulation re-establishes five Recreation Resource Advisory Committees for the Forest Service (Recreation RACs) to make recommendations to the Secretary of Agriculture on recreation fees on lands and waters managed by the Forest Service in the regions identified in Section 1 b. In accordance with the Interagency Agreement between the USDA Forest Service and the USDI Bureau of Land Management (BLM), the Recreation RACs, where applicable, shall make recreation fee recommendations for the BLM in the area for which the Recreation RAC is responsible. The Recreation RACs are established in accordance with Section 4 of the Federal Lands Recreation Enhancement Act (Act) (Pub. L. No.108-447) and the Federal Advisory Committee Act (FACA) (5 U.S.C. App. 2).
- b. The Secretary is renewing the following Recreation RACs to make recommendations concerning recreation fees in the States and territories within their boundaries:
 - (1) Eastern Region Recreation Resource Advisory Committee,
 - (2) Southern Region Recreation Resource Advisory Committee,
 - (3) Pacific Southwest Region Recreation Resource Advisory Committee,
 - (4) Colorado Recreation Resource Advisory Committee, and

- (5) Pacific Northwest Region Recreation Resource Advisory Committee.

2. SPECIAL INSTRUCTIONS

- a. This regulation expires 2 years from the date of filing unless renewed by proper authority and appropriate action. This supersedes Departmental Regulation 1042-152, dated September 28, 2006.
- b. If the Secretary, in consultation with the Governor of a State or each of the Governors of the States within the jurisdiction of a Recreation RAC, determines that insufficient interest exists to continue to ensure that participation on the Recreation RAC is balanced in terms of the points of view represented, the Secretary will terminate the Recreation RAC.
- c. The Secretary will remove a State from the Recreation RAC's deliberations if a State's Governor requests that action based on the State's lack of interest in continuing its participation.
- d. The Recreation RACs shall terminate 10 years from December 8, 2004.

3. OFFICERS AND MEMBERSHIP

- a. Each Recreation RAC shall consist of 11 members appointed by the Secretary of Agriculture. These members shall provide a broad and balanced representation from the recreation community as follows:
 - (1) Five persons who represent recreation users and that include, as appropriate, persons representing—
 - (a) Winter motorized recreation such as snowmobiling;
 - (b) Winter nonmotorized recreation such as snowshoeing, cross-country and downhill skiing, and snowboarding;
 - (c) Summer motorized recreation such as motorcycling, boating, and off-highway vehicle driving;
 - (d) Summer nonmotorized recreation such as backpacking, horseback riding, mountain biking, canoeing, and rafting; and
 - (e) Hunting and fishing.
 - (2) Three persons who represent interest groups that include, as appropriate:

- (a) Motorized outfitters and guides;
 - (b) Nonmotorized outfitters and guides; and
 - (c) Local environmental groups.
- (3) Three persons who are—
 - (a) State tourism official representing the State;
 - (b) A representative of affected Indian tribes; and
 - (c) A representative of affected local government interests.
- b. Membership shall be balanced, including a broad representation of the interests identified in the Act within each of the three membership groups and, in consultation with the State Governors and appropriate county officials.
- c. In accordance to the Delegation of Authority dated April 15, 2007, the Chief of the Forest Service shall appoint members to each Recreation RAC to 2- or 3-year terms beginning on the date they are appointed. Members may be reappointed to one subsequent 3-year term.
- d. An alternate for a member will be appointed to fill a vacancy should the member find it necessary to leave the Recreation RAC. An alternate shall not take a member's place in the member's absence.
- e. If a vacancy occurs that cannot be filled by an alternate, the Secretary shall appoint a member to fill the vacancy as soon as practicable from a list of nominees received from the Governors and the designated county officials not later than 2 months after notification. The list of nominees submitted by the Governor or county officials may be the original list from which appointments were made or an updated list. The appointment will be made in the same manner as the original appointment and, if possible, the member appointed shall represent the same interest as that of the member who left the Recreation RAC. The member appointed to fill the vacancy shall complete the term of the original member.
- f. If a Recreation RAC member fails to attend (in person or by telephonic or electronic means) two consecutive official meetings, the Chief of the Forest Service or DFO may remove that member from the Recreation RAC.
- g. The approval of a majority of the members of each of the three groups identified in the Act and documentation of public support for the recommendation shall be required to submit a recreation fee

recommendation to the Secretary. The Recreation RACs shall determine whether there is general public support for the recommendation.

- h. The Chairperson of each Recreation RAC shall be selected by majority vote of the Recreation RAC from among its members for a period of time as determined by the Recreation RAC.
- i. The Forest Service Regional Foresters, or designees, for each identified Recreation RAC, as appropriate, shall serve as the designated Federal officer (DFO) of their respective Recreation RACs, in accordance with sections 10(e) and (f) of the Federal Advisory Committee Act. 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.
- j. Equal opportunity practices, consistent with USDA policy, shall be followed in all membership appointments to the committee. To ensure that the recommendations of the committee have taken into account the needs of the diverse groups served by the Department, membership shall include, to the extent practicable, individuals with demonstrated ability to represent minorities, women, and persons with disabilities.

4. DUTIES

- a. A Recreation RAC will serve in an advisory capacity to the Forest Service and BLM officials within the Recreation RAC's area of jurisdiction on matters including, but not limited to:
 - (1) The implementation of a standard amenity recreation fee or an expanded amenity recreation fee or the establishment of a specific recreation fee site;
 - (2) The elimination of a standard amenity recreation fee or an expanded amenity recreation fee;
 - (3) The expansion or limitation of the recreation fee program;
 - (4) The implementation or elimination of noncommercial, individual special recreation permit fees; and
 - (5) The implementation of fee-level changes (increases or decreases).
- b. Recreation RACs do not have the authority to make recommendations on certain aspects of fee programs, including, but not limited to:

- (1) Recreation fee sites operated by a concessionaire or contractor such as campgrounds or reservation fees assessed by the national recreation reservation system; and
 - (2) Commercial permits such as outfitting and guiding; and recreation group event permits, which are issued as either special use permits by the Forest Service or special recreation permits by the BLM, such as bike races.
- c. The Recreation RACs may create and operate subcommittees recommended by a majority of the committee members and approved by the DFO to facilitate the work of the Recreation RACs. Subcommittees, which may vary widely in structure, composition, and purpose, report directly to the Recreation RAC that formed it. The DFO, or designee, must attend subcommittee meetings. Subcommittees shall keep meeting minutes that include attendees, public comment, and recommendations that are presented to the Recreation RAC.
- d. Consistent with applicable laws and USDA regulations, the Recreation RACs may adopt such by-laws or rules of operation as it deems advisable.

5. ESTIMATED ANNUAL OPERATING COSTS

- a. Members of the Recreation RACs and subcommittee members serve without compensation. Recreation RAC members, but not subcommittee members, will be reimbursed travel and per diem expenses for attendance at Recreation RAC meetings or subcommittee meetings called by the DFO in consultation with the Chairperson and with an agenda approved by the DFO.
- b. Annual operating costs are estimated as follows based on meeting twice annually and also includes staff costs at the national, regional, and in some cases forest level:
 - (1) Eastern Region Recreation RAC—Between \$89,000 and \$115,000 per year including 1.2 to 1.8 staff years of support per committee;
 - (2) Southern Region Recreation RAC—Between \$91,000 and \$117,000 per year including 1.2 to 1.8 staff years of support per committee;
 - (3) Pacific Southwest Region Recreation RAC (California)— Between \$89,000 and \$115,000 per year including 1.4 to 2 staff years of support per committee;

- (4) Colorado Recreation RAC—Between \$91,000 and \$117,000 per year including 0.5 to 1 staff years of support per committee; and
 - (5) Pacific Northwest Region Recreation RAC (Oregon and Washington)—Between \$89,000 and \$115,000 per year including 1.4 to 2 staff years of support per committee.
- c. If costs exceed 5 percent of the estimates given above for any of the Recreation RACs, the DFO for that Recreation RAC must report the new cost information in a letter to the Chief of the Forest Service.
6. NUMBER AND FREQUENCY OF MEETINGS AND RECORDKEEPING
- a. The Recreation RACs, with the approval of the DFO, shall meet at least once annually or as often as is determined necessary to deal with the public's concerns about the recreation fee program in a timely manner.
 - b. The meetings of the Recreation RACS may be held in person, by telephone, or electronic means.
 - c. Meetings of the Recreation RACS whether in person, by telephone or electronic means shall be announced at least 1 week in advance in a local newspaper of record and 15 days in advance in the *Federal Register*. The meetings shall be open to the public with a clear process for the public's participation.
 - d. To achieve a quorum, a Recreation RAC must have eight members in attendance.
 - e. The DFO shall ensure that records of Recreation RAC meetings are maintained and make the records available for public inspection in accordance with FACA (5 U.S.C. App. 2).
7. REPORTS AND SUPPORT
- a. The Recreation RACs report their recommendations to the Secretary of Agriculture or the Secretary of the Interior, if appropriate, through the appropriate Forest Service Regional Forester or BLM State Director.
 - b. Support for the Recreation RACs shall be provided by the Forest Service.

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