

File Code: 1950; 2720

Date: August 9, 2019

Dear Coconino National Forest Interested Parties:

The Coconino National Forest is seeking public comment on a proposal to implement a short stop outfitter/guide program for commercial tour companies using various locations on the Coconino National Forest.

This program would have two elements: the issuance of special use permits to commercial companies conducting short stop activities, and the implementation of a fee for this use. Forest Service policy requires that all commercial activities be authorized under permit (36 CFR 251.51). Policy also requires that a fee is charged for all such activities [36 CFR 251.57 (a)].

Under the proposed program, tour companies conducting short stop activities would be required to obtain permits in advance of or at the time of use. Initially, three locations have been identified on the Red Rock Ranger District (Red Rock Ranger District Visitor Center, Bell Rock Vista, and Oak Creek Canyon Vista). This program could apply, in the future to other potential short stop locations across the Coconino National Forest.

A 45-day scoping period, from Aug. 9-Sept. 22, is provided to allow public participation, prior to a decision by the Coconino National Forest.

BACKGROUND

Hundreds of commercial tour companies bring visitors to the Coconino National Forest, specifically Sedona for short-duration scenic stops. Tour companies generally pass through Sedona on their way to a different destination, such as the Grand Canyon. These companies utilize a handful of sites to provide customers with a place to stretch their legs, use restroom facilities, and enjoy scenery. Because these companies provide service to customers in return for a fee, this activity meets the Forest Service Handbook 2709.14 chapter 50 definition of "commercial use."

This activity also meets the definition of a short stop: Trips that use National Forest System lands incidental to the purpose of the trip, such as a tour that takes clients on a sightseeing trip. Stops on the forest are typically less than 30 minutes in length. A common Sedona example would be a commercial tour bus stopping briefly at Bell Rock Vista on its way to the Grand Canyon, allowing passengers to take pictures and to use picnic tables and restroom facilities. Passengers may or may not be accompanied by a guide.

All commercial use of National Forest lands must be authorized by permit. However, due to the complicated history of the Coconino's outfitter/guide program, the forest has not had the administrative capacity to address this sector of use until now. The Red Rock Ranger District, where most of this use currently occurs, has had an interim policy of allowing these vehicles to utilize the Red Rock Ranger District Visitor Center, Bell Rock Vista, and Oak Creek Canyon Vista.



PURPOSE AND NEED

The purpose of this proposed action is to bring the Coconino's short stop use into compliance with national policy, which requires that all commercial use of the National Forest be authorized under a special use permit and charged a fee. There are several reasons why this action is needed:

- Inconsistency with Permitted Outfitter/Guides: The Red Rock Ranger District currently has 48 outfitter/guide companies operating under permit. These companies frequently note the discrepancy of requiring them to meet permit conditions while allowing short stop companies to operate without permits.
- Inconsistency with Red Rock Pass: Bell Rock Vista, one of the three sites proposed for short stop use, currently requires all users (both private and commercial) to obtain a Red Rock Pass. Currently, the District requires commercial short stop users obtain a Red Rock Pass in lieu of a special use permit. There have been complaints from the public regarding the unfairness of allowing large coach buses to pay the same fee as general passenger vehicles. The rationale is that larger tour company group sizes have a greater impact to the sites and therefore should pay a greater fee.
- Increased Pressure on Visitor Facilities: Commercial short stop visitors have a large impact on the visitor facilities at the sites they use. The high volume of visitors results in increased pressure on restroom and trash facilities. Having commercial short stop companies under permit would provide revenue to allocate toward maintenance, and upgrading of these facilities.
- Overcrowding at Parking and Trailhead Areas: Without special use permits the Forest has little ability to manage short stop users. This contributes to overcrowding at sites. Permit issuance would allow the forest to place requirements on these operators, such as how many commercial vehicles could be present at a given time, and to use permit revenues to customize areas tailored for short stop use.
- Reduced Ability to Enforce Illegal Operators: The Coconino National Forest's interim policy has been to allow commercial short stop uses to occur, without permit, at the Red Rock Visitor Center, Bell Rock Vista, and Oak Creek Canyon Vista. There are also other outfitter/guides authorized to use these sites. The lack of permits for short stop users makes it difficult for law enforcement to identify illegal operators (those conducting commercial business without a special use permit).

PROPOSED ACTION

There are two elements to the proposed action: (1) the creation of a commercial short stop fee and (2) the issuance of permits to companies providing short stop services.

There would be three initial locations that currently experience regular short stop use where commercial short stop use would be authorized:

- Red Rock Ranger District Visitor Center in Village of Oak Creek
- Bell Rock Vista, 2.5 miles north of the Red Rock Ranger District Visitor Center on SR 179
- Oak Creek Canyon Vista, 13 miles north of Sedona on SR 89A

These sites are shown on the attached map.

Short Stop Fee

The Forest proposes a fee of \$5 per passenger, paid by the tour operator. This would apply equally to all commercial tour companies, regardless of the vehicle size or capacity.

This short stop fee is based upon the \$5 vehicle fee currently charged for the Red Rock Pass. The Red Rock Pass is required at sites that have a certain suite of amenities present (such as bathrooms, trash cans, and kiosks). As the general public frequently visits in groups of one or two people (resulting in approximately \$5 per person), applying the same \$5 fee as a per-passenger fee for short stops creates consistency across user groups.

Commercial holders of priority-use permits would pay the \$5 per passenger, or the regional minimum annual fee, whichever is larger.

Initially this fee would be implemented only on sites within the Red Rock Ranger District, which have a high level of short stop use. However, should future need arise on developed recreation sites on the Flagstaff or Mogollon Rim Ranger Districts, this fee would apply to those locations as well.

Short Stop Program

There would be three initial locations where short stop use would be authorized:

- The Red Rock Visitor Center in Village of Oak Creek
- Bell Rock Vista
- Oak Creek Canyon Vista

These locations apply to all commercial vehicles conducting short stop activities, regardless of size. Larger vehicles, such as coach-sized buses, would be authorized only at these sites and required to park only in designated, oversize parking spots. Smaller vehicles such as passenger vans would be allowed to park in regularly-sized spaces.

Companies that visit Sedona regularly and repeatedly would be issued priority use permits in accordance with agency policy. These permits would be issued for an initial term of two years, with possible extension for an additional eight. They would then be re-issued for terms of 10 years at a time.

Tour companies that visit once, rarely, or unexpectedly would be managed in some form of on-demand method. See the following section on potential implementation elements.

Permit Issuance

Regular, recurring use would be authorized via a standard priority use outfitter/guide permit as discussed above.

Many tour operators, however, do not know in advance whether they will visit the national forest. Research indicates that many short stop companies arrive without prior plans to do so. Tour operators may have extra time in their itinerary and decide to visit Sedona. Conversely, operators who plan to come to Sedona may find they must skip it to meet timeframes. This need for flexibility would preclude standard agency policy of requiring a permit in advance.

In light of this unpredictable use, the Coconino National Forest is examining several methods of issuing permits:

- Tour companies would be required to come to a Coconino National Forest office, such as the Red Rock Ranger District Visitor Center at the beginning of their visit to obtain a permit and pay the

required fee. After issued a permit, they would be able enjoy the visitor center or proceed to one of the other authorized sites.

- Tour companies would travel to a short stop site and check in via a posted short stop fee machine (or an app or a website). The receipt provided by the machine would be posted within the vehicle and would serve as a “permit.” The Coconino would use receipt records to retroactively bill companies.
- Tour companies would self-report use quarterly via a website or an emailed standard report form. The Coconino would use those details to retroactively bill companies. In this case, no physical permit would be required at the time of use. This method is utilized by the National Park Service at similar cost and companies would be familiar with the procedures.
- Tour companies would obtain permits ahead of time via recreation.gov, the national online reservation service used for activities on public lands. This method would slightly increase the cost burden on companies, as it requires that they pay a service fee to recreation.gov. A tour operator, therefore, would pay both the Forest Service short stop fee and the recreation.gov service fee (which is currently \$6).

Based on the feedback received in response to this scoping, a decision on which method to implement would be made and defined in the decision.

How to Pay Fees

Because short stop use is outside standard outfitter/guide policy and agency tools, the Forest Service would like input so it may design the best program for short stop companies.

- Should advance reservations be required? If so, should they be by date only, or date, time, and site?
- Can tour companies pay onsite, such as with fee machines? Or would fees need to be paid through the business office? Should an app or website be used to report a site visit with billing to be retroactive?
- For smaller tour vehicles, are there sites beyond the Red Rock Visitor Center, Bell Rock Vista and Oak Creek Canyon Vista that should be included in this program?
- Are there any other factors that you as a tour company would like us to consider?

CATEGORICAL EXCLUSION

The Forest Service National Environmental Policy Act (NEPA) Regulation 36 CFR 220.6 provides that a proposed action may be categorically excluded from further analysis and documentation in an Environmental Impact Statement (EIS) or Environmental Assessment (EA) if there are no extraordinary circumstances related to the proposed action and if:

- The proposed action is within one of the categories in the Department of Agriculture (USDA) NEPA policies and procedures in Title 7, Code of Federal Regulations, Part 1b (7 CFR part 1b) or
- The proposed action is within a category listed in Title 36 CFR 220.6(d) or (e).

Based on experience with similar projects, a categorical exclusion is the proposed level of analysis for this project. This project falls under 220.6(e)(3):

Approval, modification, or continuation of minor special uses of NFS lands that require less than five contiguous acres of land.

Resource Reviews

Any needed archaeological, botanical, wildlife, and scenery reviews will be completed for the project area by Forest Service specialists. Input from the Forest Service hydrologists, engineers, and other specialists will be addressed.

IMPLEMENTATION

The Forest Service will review all comments received and may make adjustments to the proposed action as a result. Once a decision is made, the Forest Service will notify the affected companies and all respondents.

Implementation will begin one year from the date of the final decision. This will allow companies time to incorporate this increased cost into their business plans. The Coconino National Forest will use this period to communicate with short stop companies at authorized sites and to prepare long-term priority use permits for eligible companies.

OPPORTUNITY TO COMMENT

We ask you to provide substantive comments regarding the proposed action. "Substantive comments" are within the scope of the project and the decision to be made, are specific to the proposed activities in the project area, and have a direct relationship to the project. If you cite or include references with your comments, we ask you state specifically how those references relate to the proposed action. Include hard copies or functioning internet links to any references. Comments should be provided prior to the close of the comment period on Sept. 15, 2019.

Submit comments in writing via the webpage, <https://tinyurl.com/CoconinoShortStop>, and click on the "Comment/Object on Project" link on the right of the screen. You can also submit comments via mail to the Coconino National Forest, Attention: Commercial Short Stop Permits, 1824 S Thompson St., Flagstaff, AZ 86001; and via facsimile to (928) 527-3620.

Comments received in response to this solicitation, including names and addresses of those who comment, will be considered part of the public record on this proposed action and will be available for public inspection.

Project information may be found online at <https://tinyurl.com/CoconinoShortStop>.

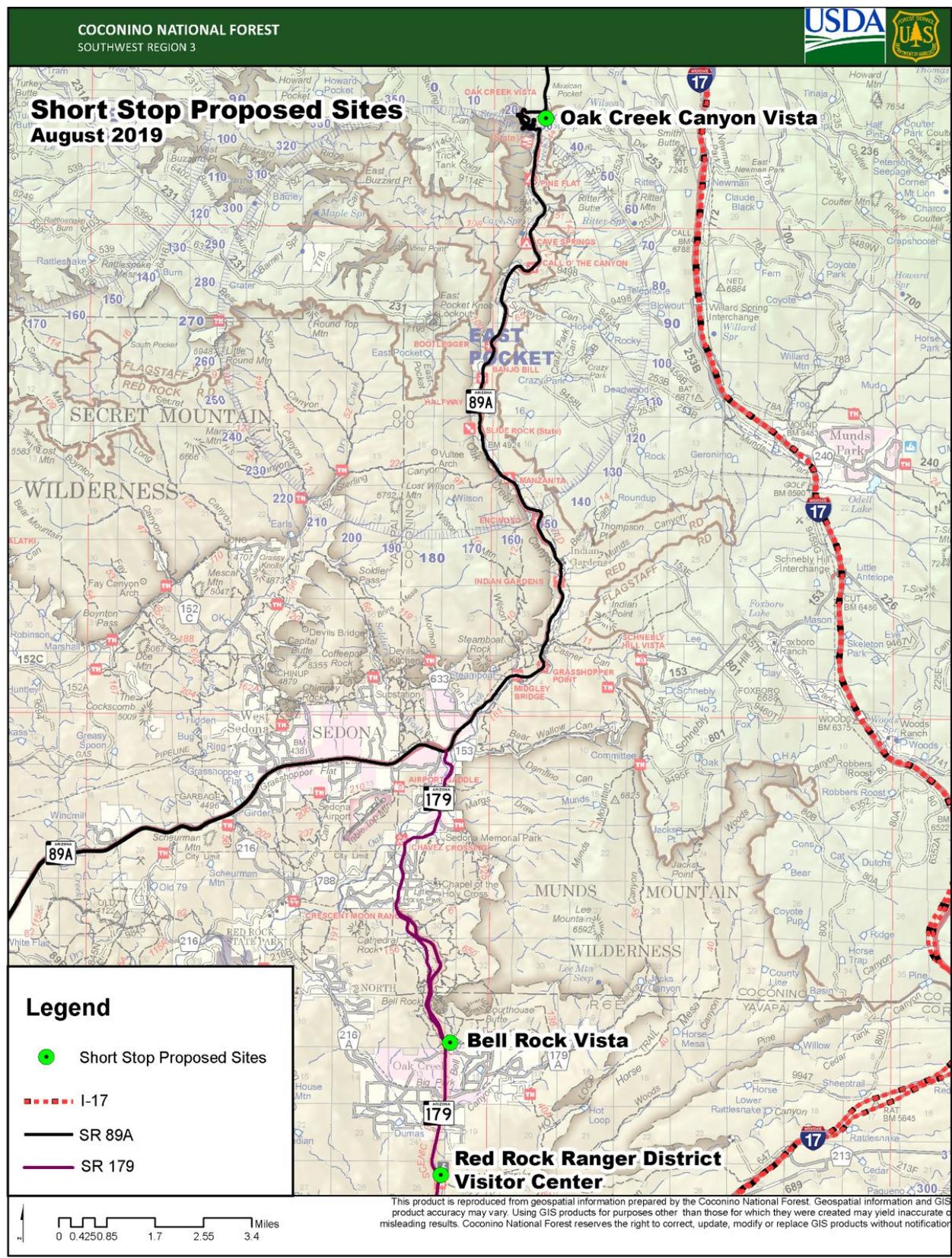
CONTACT PERSON

If you have questions, please contact Laura Koller, Program Manager, at (928) 203-7524 or laura.koller@usda.gov.

Sincerely,



LAURA JO WEST
Forest Supervisor



Site Map: The proposed short stop program has identified three Red Rock Ranger District locations on the Coconino National Forest. Other locations forestwide could be added in the future.