

Draft Revised Proposed Public Use Rule 43 CFR 429 Questions & Answers Specific to Lake Cascade

Boise Informational Meeting

- 1. Can existing permits/authorizations for private exclusive recreational or residential uses (for example, boat docks) be renewed under the revised proposed rule?**

Answer: Yes, existing permits/authorizations (i.e., existing as of January 1, 2008) may be renewed, subject to review for compliance with the following criteria:

- Compatibility with authorized project purposes, project operations, safety and security;
- Compatibility with public needs;
- Environmental compliance;
- Public health and safety; and
- Current in financial obligations to the Bureau of Reclamation (i.e., applicable fees paid)

Renewal decisions will be made by the appropriate Regional Director within Reclamation.

- 2. What will be the term for renewal of existing permits/authorizations for private exclusive recreational or residential uses?**

Answer: Renewals of existing permits/authorizations can be for a term of up to 20 years, subject to review at least once every 5 years for continuing compliance with the above criteria.

- 3. Will current and renewed permits/authorizations for existing private exclusive recreational or residential uses be transferable?**

Answer: Yes, subject to review for compliance with the above criteria. However, note that “transferability” applies only to existing permits/authorizations from one party or entity to another at existing locations. Permits/authorizations may not be transferred from one location to another.

- 4. What will the process be for transferring or assigning use authorizations from one party or entity to another?**

Answer: Section 429.30 outlines the process for the transferring of permits. For example, holders of boat dock permits at Lake Cascade would work through Reclamation’s Pacific Northwest Region’s Snake River Area Office (SRAO) for any transfers. When a particular parcel of land with an associated boat dock permit is to be sold to a new owner, it is the responsibility of the past and new owner to notify SRAO in advance of the sale. For the transfer of boat docks from one party to another, SRAO requires proof of sale, gift or distribution of inheritance, and ownership of the property where the boat dock is located. Documentation must be provided to SRAO to allow the permit to be transferred to the new property owner in order to ensure a permit does not lapse.

5. Why can't I transfer my Lake Cascade boat dock permit to a different location?

Answer: Private boat docks were permitted at Lake Cascade in the 1992 Resource Management Plan with the policy that the permits would only be issued to land owners with land parcels adjacent to Lake Cascade. Some policy exceptions were made to allow boat dock permits for community docks when land owners in the lake shore vicinity had community or public access to the shoreline. Reclamation has continued to implement this practice at Lake Cascade, ensuring that permits remain directly associated with the parcel and use for which they were issued. The Pacific Northwest Region intends to continue to allow transfers of boat dock permits at their existing locations, as long as the terms and conditions of the permit and the conditions specified in 43 CFR part 429, are met.

6. What will be the cost(s) associated with renewal and maintenance of a permit/authorization for existing private exclusive recreational or residential use?

Answer: Payment of use fees and reimbursement of the government for administrative costs will be required for renewal and maintenance of permits/authorizations. However, specific fees and costs are not established in the revised proposed rule. In general, fees and cost reimbursement amounts will be determined and applied as follows:

- Use fees will be based on “market price” as required in the Office of Management and Budget, Circular No. A-25, Revised (OMB). The application of market or contributory market value related to permits may be used to determine use fees. Reclamation may also apply other generally accepted business practices which may be applicable in establishing fees. It is expected that use fee amounts will be adjusted periodically to reflect market price.
- Reimbursement for administrative costs will be required at both the initial renewal of a permit/authorization and associated with the required periodic review for compliance with the above criteria. OMB requires that charges be sufficient to recover the full cost to the Federal Government. Charges will be determined on a case-by-case basis to ensure that they reflect actual costs of administrative work. (Please see “Administrative Costs” under Section 429.20 for costs which are typically included.)

7. Will permits/authorizations for new private exclusive recreational or residential uses (for example, boat docks) be issued?

Answer: No, Section 429.31 (b) specifically prohibits “any use that would result in **new** private exclusive recreational or residential uses of Reclamation land, facilities, or waterbodies.”

8. Why can't I obtain a boat dock permit at Lake Cascade?

Answer: A Resource Management Plan was developed for Lake Cascade, published in 2002 which included a resource analysis and public involvement process. Through that public process it was agreed that no new boat docks permits would be issued at Lake Cascade. This is consistent with the revised proposed rule which does not allow new private exclusive uses per Section 429.31 (b).

