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Legislative history of outdoor recreation fees

by
Chris White



By 1932, Mount Rainier National Park was already experiencing lines at its entrance stations

Widespread charging of fees for public outdoor recreation is a relatively new concept in the United States. With vast amounts of land open for settlement, the idea of use fees for Federal land was not considered appropriate. In a few cases, for example, Hot Springs National Park in the 1890s, a fee was charged to offset the costs of developing and operating facilities. However, until the 1950s a tradition of rarely if

ever paying for outdoor recreation seemed to many people a birth-right of living in the United States. To understand these feelings today requires looking back to the history of fees.

History of fees

Before World War II, fees for outdoor recreation on Federal land were charged in a haphazard

manner, reflecting the lack of any overall multi-agency legislative guidance. The only two land management agencies with large land holdings and recreational developments were the National Park Service (NPS) and the U.S. Forest Service (USFS). Only the NPS had any significant fee activity in the first part of this century and that was mostly entrance fees.

Implementation of entrance fees into NPS areas predates the establishment of the agency by eight years. A product of the automotive age and originally intended to cover the costs of the "damage" caused by the new invention, fees were collected at Mount Rainier National Park for auto permits in 1908. By 1915, fees were levied for entrance to seven other parks including Yosemite, Yellowstone, and Glacier National Parks. Seasonal rates ranged from \$10 at Yellowstone to \$2 at Glacier, with a lower fee charged for single entries (Mackintosh 1983). In 1917, the first year of operation of the NPS, enough fees were collected that 5 of the 16 newly established parks had a surplus over operations and maintenance costs (Mackintosh 1983).

The importance of fees was such that the first NPS Director testified before Congress in 1917 that park entrance fees and other

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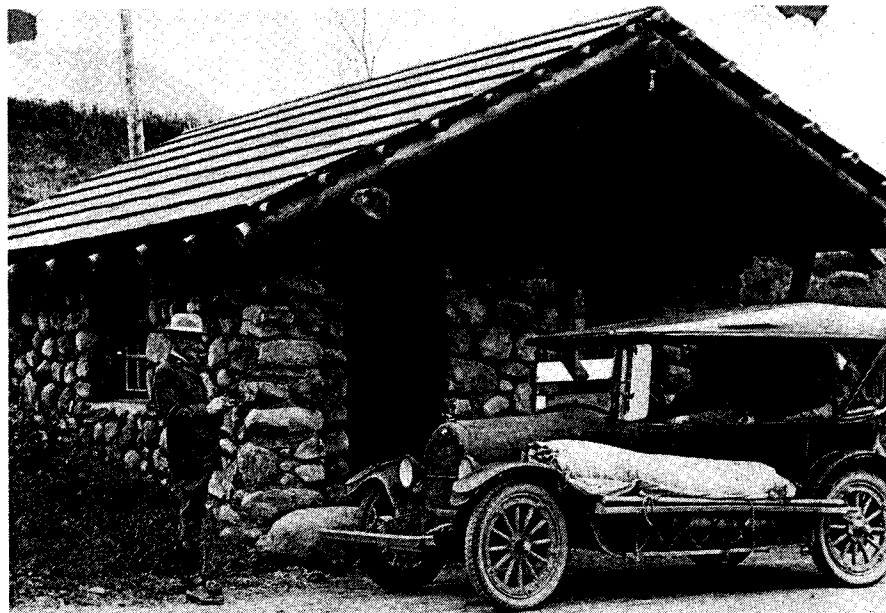
revenues would eventually be “sufficient to cover all NPS operations and maintenance costs” (Mackintosh 1983). Congress would only be called upon for additional appropriations when NPS needed funds for capital development costs.

The NPS had a strong motivation to collect entrance fees: these fees went into a special treasury account and could be spent with no Congressional oversight. In 1918, Congress changed the legislation and required that all the monies collected go to the general fund of the U.S. Treasury (Mackintosh 1983).

For the next 20 years the NPS had little interest in collecting fees. However, in 1939, President Franklin Roosevelt made fee collection an executive policy. From 1939 through 1942 the NPS specified 40 parks where fees could be collected. In announcing this change, Secretary of Interior Ickes said that: “[T]hose who actually visit the national parks and monuments should make small contributions to their upkeep for the services those visitors receive which are not received by other citizens who do not visit the parks that are available to them, but who contribute to the support of these parks” (Mackintosh 1983).

Independent Office Appropriations Act of 1952

In 1952, Congress passed a bill of significant importance to fee collection. Title V of the Independent Office Appropriations Act was the first national attempt to codify cost recovery for Government services. It required each agency head to develop and implement regulations that would set “fair and equitable fees” for “services or



Entrance fee collection at Yellowstone in 1923 was still a relaxed affair

products provided to persons” (31 USC Section 9701). The bill included language that required consideration of four factors: direct and indirect costs to government, value to the recipient, public policy or interest served, and other pertinent factors. The act further stated that “It is the sense of the Congress that each service or thing of value provided by an agency (except a mixed-ownership government corporation) to a person (except a person on official business of the United States Government) is to be self-sustaining to extent possible” (31 USC Section 9701). These are the first guidelines that were codified in specifying some basic criteria for cost recovery that also apply to outdoor recreation fees.

Fees in the fifties and sixties

In the expanding economy of the fifties, there was little interest in fees as a revenue source and little interest in changes to the system. However, the Bureau of the Budget

issued Circular A-25 in 1959 that applied to all Federal agencies. It stated “a reasonable charge . . . should be made to each identifiable recipient for a measurable unit or amount of Government service or property from which he derives a special benefit.” Exploding recreational use on all Federal lands led to a call by recreation professionals and others to develop an overall recreational strategy for the country’s public lands.

The result was the formation of a blue ribbon review commission called the Outdoor Recreation Resources Review Commission (ORRRC). Among the various recommendations concerning recreation and recreational facilities, the commission also addressed the issue of fees. It recommended to the President and Congress that “Public agencies should adopt a system of user fees designed to recapture at least a significant portion of the operations and maintenance costs of providing outdoor recreation activities that involve the exclusive use of a facility or require special facilities” (ORRRC 1962).

Land and Water Conservation Fund Act

The ORRRC report laid the foundation for legislation that would increase funding for recreational opportunities at the Federal and State level. In 1964, the Land and Water Conservation Fund Act (LWCFA) was passed (Public Law 88-578). It authorized fees for both entrance to and use of facilities in all seven Federal land management agencies. In the act, the Cabinet-level official overseeing the agency was given authority to designate outdoor recreation areas at which entrance fees and user fees could be charged. Revenue from the fees went into a special Land and Water Conservation Fund for use in acquiring and developing recreation land.

As the LWCFA was amended over the years, several fee options were established for both entrance and campground use. Entrance to an area (only in NPS and some U.S. Fish and Wildlife Service (USF&WS) areas at present) may be by payment of a single-visit en-

trance fee, a site-specific annual permit, an annual Golden Eagle Passport, or lifetime Golden Age or lifetime Golden Access Passport.

The single-visit entrance fee is good for 1 to 15 days for a "more or less continuous stay within a designated area." The period of time of a "single visit" (usually five days) is recommended by the site administrator and reviewed and approved by the Agency head.

The Golden Eagle Passport is an annual pass for admission to all "Designated Fee Areas" (presently only NPS and USF&WS sites).

Golden Age Passports are available free to all United States citizens 62 years of age and older. They provide for a waiver of entrance fees where charged, along with a 50 percent discount on certain user fees (that is, camping, guided tours, and parking).

Golden Access Passports are free and are issued to blind or permanently disabled visitors. They also provide for a 50 percent discount on Federal user fees and a waiver of any entrance fees.

The attempt by Congress to set uniform standards and maintain

one account for all fees collected was soon modified by numerous bills and amendments to the LWCFA. For the U.S. Army Corps of Engineers, the major problem was the issue of fees for entrance to Corps projects. In 1968, the Rivers and Harbors Act was amended to prohibit the collection of entrance fees, ending the collection of such fees at Corps projects. In addition, a 1972 amendment to the LWCFA allowed entrance fees to be collected only at NPS and USFS sites. Fees collected by the Corps for camping were to be placed in a separate account for appropriation only to the Corps "without prejudice to appropriations from other sources for the same purposes, for any authorized outdoor recreation function of the agency by which the fees were collected" (United States Congress 1987).

With the country in the throes of "stagflation" in 1979, the NPS was faced with a cut of \$12 million in operating funds and was ordered by the Office of Management and Budget to make up the difference by raising fees (Mackintosh 1983). The agency proposed making up the deficit with increases averaging 74 percent over 1978 levels in entrance and other fees. Congress and the public reacted very negatively to the proposal, and a legislative moratorium was passed in Congress that froze fees for all agencies at their January 1, 1979 levels. In addition, in one of many modifications to the LWCFA, Congress accidentally suspended collection of all camping fees at all Federal agencies. This led to a summer of major problems for field personnel, as fees were an important method of controlling overcrowding and vandalism.



Note the entrance fee stickers on the woman's handbag

Fees for the eighties

In 1982, the General Accounting Office (GAO) prepared a report titled "Increasing Entrance Fees - National Park Service" that recommended that Congress repeal the statute which froze all NPS entrance fees and amend the LWCFA to remove the \$10 limit on the price of a Golden Eagle Passport. At the same time, the Office of Management and Budget put pressure on NPS to obtain at least 25 percent of their operations and maintenance funds from user and entrance fees. Based on those two factors, the NPS proposed that the Congressional moratorium on fees be repealed, entrance fees be increased at areas where fees were presently collected, and additional parks be authorized to collect entrance fees. However, the bill that was introduced included a provision that would allow fees to be charged for hunting and fishing on Federal lands. Because of significant opposition from both the public and Congress, the bill was quickly withdrawn (United States

Congress 1987). Also, because of the controversy surrounding that bill, fees were left unchanged from the previous level.

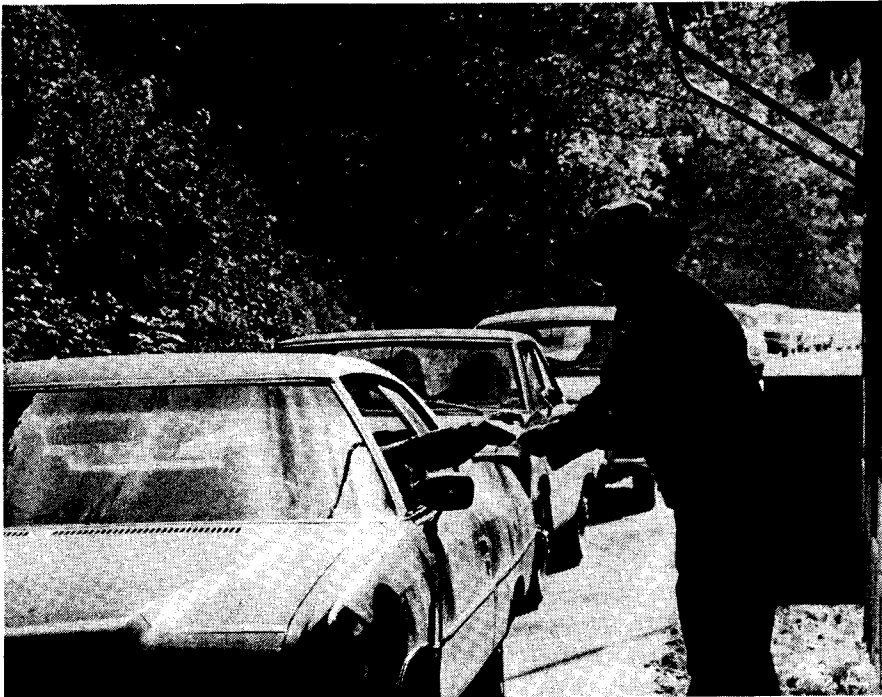
One amendment to the LWCFA (Public Law 93-303) in the 1970s included a provision that the Corps (and only that agency) provide one free campground in every project that had Corps fee campgrounds. Other Federal and State agencies that lease Corps lands at a project and develop recreational facilities are exempt from this prohibition. The amendment also prohibited all agencies from collecting fees for drinking water, wayside exhibits, roads, overlook sites, visitor centers, scenic drives, toilet facilities, picnic tables, or boat ramps. For the past five years, the administration has proposed legislation to Congress that would allow the collection of fees at day-use areas and remove the requirement for free campgrounds. The fees to be charged for day-use areas are not entrance fees but rather are for use of beaches, picnic areas, and similar highly developed facilities.

This requires yet another amendment to the LWCFA and the Rivers and Harbors Act. Congressional opposition to the proposal has stymied any of these efforts.

Fees or free?

Behind all the arguments is a philosophical shift in the past ten years by public officials who feel that those who benefit the most should pay the most. While we all benefit from and pay for the existence of Yellowstone National Park, those actually using the facilities derive greater benefits than those who do not. Therefore, it is argued that they should pay more than those who only read about the park. Countering this line of reasoning are those who feel that charging fees closes recreation opportunities to certain socioeconomic classes and ethnic groups. They feel that pricing outdoor recreation opportunities based on the users ability or willingness to pay takes away from the quality of life for segments of the population. Further, it is argued that those in the middle class are being made to pay twice for their recreation — once as part of income taxes and then again at the fee booth.

The shift from totally free to partially subsidized outdoor recreation has not been a quick or easy one. Perhaps the most vocal people have been those most immediately impacted. In 1988 the Congressionally mandated implementation of entrance fees for many more NPS areas and the increases in fees at existing fee areas led to some initial opposition by different groups in the travel and tourism sector. They were accustomed to use of public outdoor recreation areas without paying any direct fees. Yet the new fees are a small percentage of the average daily travel cost for most users (when adjusted for inflation) and less than some of the



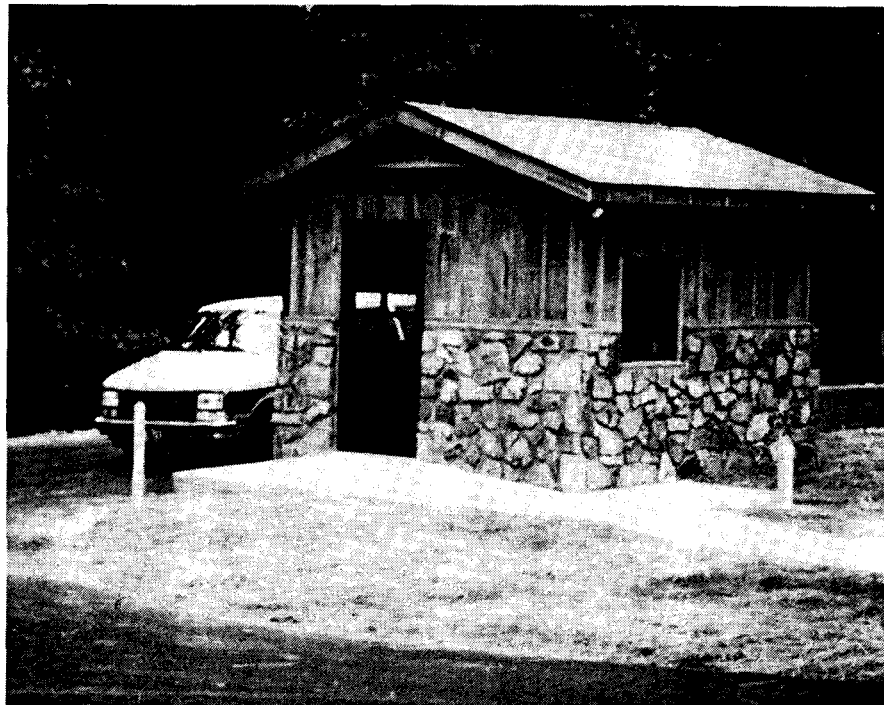
In 1990, the National Park Service collected over \$33 million in entrance fees

entrance fees that were established in the 1970s.

Fees for outdoor recreation are something that people may assume have always been around or just appeared one day. This article has attempted to point out that there is a long, winding, and complicated legislative path that led to the present-day fee structure. This brief history of fees for outdoor recreation is part of a more detailed study done as part of a Natural Resources Research Program work unit examining attitudes, motivations, and perspectives of recreation fee users and nonusers. To develop such a study requires an understanding of the background of the present-day fee structure. By researching and documenting the intent and purpose of previous fee legislation, key questions and concerns about fees will be better addressed.

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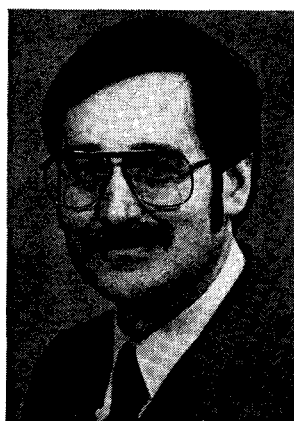
Campground fees are collected by all land management agencies today

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Note: Photos on pages 1-4 courtesy of the National Park Service.



Christopher White is an Outdoor Recreation Planner in the Resource Analysis Branch, Environmental Laboratory, U.S. Army Engineer Waterways Experiment Station (WES). He is presently Principal Investigator of NRRP work unit "Measuring the Effects of Recreation Fee Programs." This article is excerpted from the Plan of Study for the work unit. Chris is also working on a short-term study of graffiti and natural areas.

Relieving burden on landfills begins with waste reduction

by John Kazzi
Keep America Beautiful, Inc.

Is there a wastebasket nearby?

If so, take a moment to look inside it. How much of what's there could be reused or recycled? Can you identify the source of most items? Could some of the trash be reduced at its source?

You have just done an informal waste analysis of a portion of the four pounds of trash that every American generates each day. And if you have not already done so, you can use what you have learned to make a contribution to waste reduction efforts in the workplace or community.

For millions of households and businesses, taking steps to produce less waste is a daily activity, and with good reason. Each year in the United States, 180 million tons of municipal solid waste is generated, and it is estimated that, by the year 2000, the figure will rise to 215 million tons.

Municipal solid waste is trash from homes, businesses, stores, restaurants, schools and other institutions, and nonhazardous waste from light industries.

While the amount grows, the available capacity of landfill space, the destination of over 70 percent of this waste, is rapidly declining. In many regions, landfills are filling faster than new sanitary sites can be opened, and faster than commu-

nities can develop waste disposal plans that incorporate landfilling with other ways to dispose of waste like recycling, composting, or waste-to-energy plants.

In some cities and towns, programs to help businesses reduce waste have been developed to complement similar programs for residents. This commercial waste makes up 30 to 70 percent of the total amount of garbage in a community, and much of it can be recycled, such as high-grade paper and corrugated cardboard.

Other commercial waste — food waste from restaurants and foodservices — can be composted, a natural process of decomposition. A growing number of communities have composting programs, and through careful management have shortened the time needed to turn the waste into mulch for landscaping. Commercial trash can also be safely burned in waste-to-energy plants to produce steam to power electrical generators.

While there are many factors that determine the extent to which you can reduce waste, Keep America Beautiful, Inc. has these suggestions:

- Make sure everyone at work knows how to use copiers and computer printers. This will prevent wasting paper.

- Be careful when ordering supplies with a limited shelf life. They may expire before they can be used.
- Increase the amount of recyclables by pooling your business's items with other companies. Greater volumes are more attractive to recyclers.
- At home, participate in community recycling and yard-waste compost programs. Recycle old phone books and live Christmas trees. Offer to collect recyclables from neighbors who cannot take them to a center.
- Donate magazines to senior centers.
- Find new uses for items such as metal, glass, and plastic containers.

Keep America Beautiful, Inc. is a national, nonprofit public education organization with local affiliates dedicated to improving waste handling practices in American communities.

For information on solid waste or the location of the nearest Keep America Beautiful affiliate, write Keep America Beautiful, Inc., 9 West Broad Street, Stamford, CT 06902.

Still more research related to the Natural Resources Research Program

Several environmental research and development programs related to natural resources being conducted at the U.S. Army Engineer Waterways Experiment Station have been featured in recent issues of *RecNotes*. This issue features the Aquatic Plant Control Research Program.

The Aquatic Plant Control Research Program (APCRP) has the responsibility to provide effective, economical, and environmentally compatible methods for managing problem infestations of aquatic plants in the nation's waterways. Presently the major research thrusts of the program are concerned with the uncontrolled spread of the submersed aquatic plants hydrilla and Eurasian watermilfoil. Research conducted under the APCRP is organized into major technology development areas, each containing several related research work units.

The current APCRP technology development areas are:

- Biological control technology. Research in this area develops technology for using biological agents for long-term management of problem aquatic plants. These agents include the use of host-specific insects and plant pathogens. POC: Al Cofrancesco, (601) 634-3182.
- Chemical control technology. This research area is improving the management of problem aquatic plants using herbicides and plant growth regulators in an environmentally compatible manner. A significant component of this work

involves the control of submersed plant in high water-exchange environments. POC: Kurt Getsinger, (601) 634-2498.

- Ecological technology. Research in this area is directed at determining the response of submersed plants to environmental factors and the complex interactions among environmental factors and submersed plant growth. This technology is essential for managing problem plant populations more effectively and in a way that is more compatible with the environment. POC: John Barko, (601) 634-3654.
- Simulation technology. This area develops user-friendly, PC-based computer simulation capabilities of control technologies for use by operational elements of the Corps. These capabilities are designed to be used as aids in the planning and decision process of operational programs. POC: Mike Stewart, (601) 634-2606.

- Applications technology. This area is directed toward the development of shorter term capabilities that can be placed into operation in 1-3 years.
- Integrated technology. Research in this area will investigate whether combinations of control technologies will provide a more effective control of problem aquatic plants.

The APCRP publishes an information exchange bulletin called *Aquatic Plant Control Research Program*. To be added to the mailing list for this bulletin, contact Bob Gunkel at (601) 634-3722.

Note: A research unit title in the Water Quality Research Program, reported on in *RecNotes*, Vol R-92-2, fell victim to the dreaded typographical error. Steve Wilhelms' correct work unit title should have been Reaeration (not Recreation) at Low-Head Projects. To discuss how this important typographical error makes a difference in his work unit, you can call Steve at (601) 634-2475. (The typo was ours, not Steve's.)



Biological control technology

Western United States Wetlands Development and Restoration Training Course

A special western United States wetlands development and restoration PROSPECT training session sponsored by Corps Headquarters and the Huntsville Training Division will be conducted by the Waterways Experiment Station in Tiburon (San Francisco area) or Sacramento, California, in spring 1993. Limited space is available, and this session will focus on western freshwater and coastal wetlands from planning, regulatory, navigation, operations, natural resource management, and engineering viewpoints. The objectives of this session are to convey state-of-the-science principles and methods important to wetlands development and restoration, provide the opportunity to

meet known experts in this field, present important regional and site-specific case studies, and offer intensive hands-on field experience in developing wetlands.

The training course subject matter agenda will focus on:

- Coastal and freshwater wetlands herbaceous and woody planting methods.
- Mitigation wetlands developed for project and regulatory purposes.
- Riparian ecology and habitat restoration.
- Reservoir shoreline revegetation and erosion control.

- Wetlands national and regional viewpoints.

Questions or comments regarding this course should be addressed to: Debbie Ferguson, U.S. Army Engineer Division, Huntsville, ATTN: CEHND-TD-TO, P.O. Box 1600, Huntsville, AL 35807-4301, or commercial telephone (205) 722-5830, for enrollment and tuition information, or to Robert Lazor, U.S. Army Engineer Waterways Experiment Station, ATTN: Wetlands Research and Technology Center, 3909 Halls Ferry Road, Vicksburg, MS 39180-6199, or commercial telephone (601) 634-4217, for technical or subject matter information.

NRRP research to address field problems

Do you have an operational/management problem that requires a new look or perhaps short-term or long-term research to find a solution? If so, let us know so the resources of the NRRP can be targeted toward real problems — your problems.

Explain the situation/problem in writing (no more than two pages) and send your idea along with your name, address, and telephone number to your district or division NRRP point of contact (POC). Feel free to call your POC if you have questions about the program.

When should you submit research ideas? Anytime, but do it now while the idea is fresh in your mind.

Your ideas are needed to make the NRRP **your** program. Get involved!

Natural Resources Research Program POCs

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* Denotes Field Review Group (FRG) members.

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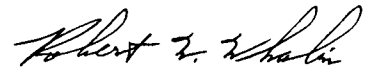
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NATURAL RESOURCES RESEARCH PROGRAM

This bulletin is published in accordance with AR 25-30. It has been prepared and distributed as one of the information dissemination functions of the Environmental Laboratory of the Waterways Experiment Station. It is primarily intended to be a forum whereby information pertaining to and resulting from the Corps of Engineers' nationwide Natural Resources Research Program can be rapidly and widely disseminated to Headquarters, and Division, District, and project offices as well as to other Federal agencies concerned with outdoor recreation. Local reproduction is authorized to satisfy additional requirements. Contributions of notes, news, reviews, or any other types of information are solicited from all sources and will be considered for publication so long as they are relevant to the theme of the Natural Resources Research Program, i.e., to improve the effectiveness and efficiency of the Corps in managing the natural resources while providing recreation opportunities at its water resources development projects. This bulletin will be issued on an irregular basis as dictated by the quantity and importance of information to be disseminated. The contents of this bulletin are not to be used for advertising, publication, or promotional purposes. Citation of trade names does not constitute an official endorsement or approval of the use of such commercial products. Communications are welcomed and should be addressed to the Environmental Laboratory, ATTN: J. L. Decell, U.S. Army Engineer Waterways Experiment Station, (CEWES-EP-L), 3909 Halls Ferry Road, Vicksburg, MS 39180-6199, or call AC (601) 634-3494.



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HQUSACE Natural Resources Management Perspective

Secretary Dorn's Position on the Corps' Recreation Program

Good News! Ms. Nancy Dorn, Assistant Secretary of the Army (Civil Works), has provided the Corps with her position on the Corps' Recreation Program. As quoted in this column in a previous issue of *RecNotes*, Ms. Dorn had previously dismissed concerns that the Corps is no longer involved in recreation. Now, she has outlined her position to the Corps. She has directed that the Corps **continue to provide recreation opportunities at Corps projects at present levels**. She has further indicated that the Corps' recreation budget will remain level and that the recreation program will be conducted in a cost-effective and consistent manner throughout the country.

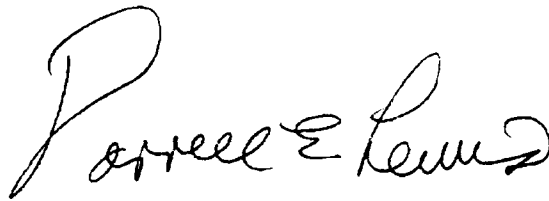
In addition to clarifying the administration's position on recreation, Ms. Dorn has directed us to review our existing policies, regulations, and outgrant instruments pertaining to all phases of our partnership relationships. The term partnership refers primarily to our contractual partners who lease land at Corps projects for recreation purposes. As a result of this review, we are to recommend changes which will result in less burdensome regulations and increased partnerships with other governmental agencies and the private sector by the end of October 1992.

As I write this column, guidance is being drafted that will announce the Secretary's policy to the Corps at large and initiate the policy review described above. We are asking some of our top people in the Natural Resources Management Program to join us in Washington later this summer to accomplish the review.

In summary we will be doing two things this summer:

- Developing a clear policy statement that articulates the Secretary's decision to continue the recreation program "at present levels." This will include establishing business goals to ensure a cost-effective and consistently managed program.
- Reviewing existing policies, regulations, and outgrant instruments pertaining to our partnership relationships and recommending appropriate changes to Secretary Dorn.

As you can see, it's going to be a busy summer! I'll do my best to keep you posted on this and other news as it happens.



DARRELL E. LEWIS
Chief, Natural Resources
Management Branch, HQUSACE

