VISITOR FEES
IN THE
NATIONAL PARK SYSTEM
A LEGISLATIVE AND ADMINISTRATIVE HISTORY

by
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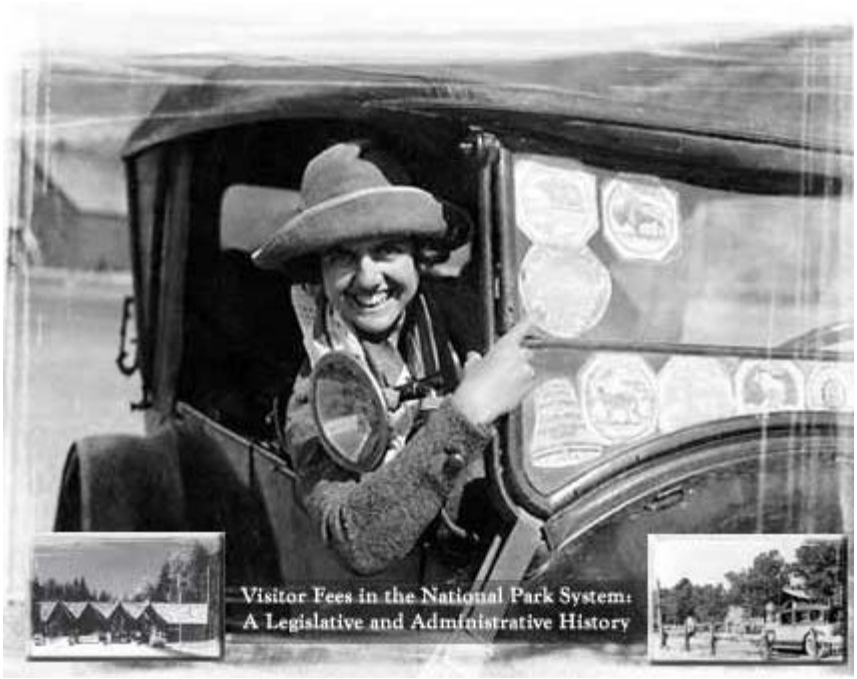

Yellowstone National Park visitor showing off her park stickers, indicating that entrance fees were paid at various National Parks. ca. 1922. *National Park Service Historic Photograph Collection*

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The national parklands are not free. They represent major financial investments by the Federal Government. The older parks were established on the public domain or donated lands, but they still required and continue to need expensive development for visitor access and accommodation; staffing for general administration, protection, and interpretation; and maintenance of facilities and other improvements. Many of the later additions to the National Park System have required, in addition, large public expenditures for land acquisition.

Throughout the history of the System, there have been differences of opinion--often sharp--as to how these expenses should be borne. One side has held that admission to the parks and the use of most park facilities and services should generally be without specific charge to the visiting public, which is to say that the full cost of the parks should be paid by the general taxpayer. The other side has argued that people actually using the parks should pay, through entrance and user fees,* a proportionately greater share than the public at large. In recent times few have contended either that the parks should be entirely supported by their users or that all park facilities, such as developed campsites, should be "free"; the issue has narrowed for the most part to whether and where entrance fees should be levied and how much should be charged for both park entry and use of developed facilities.

In these difficult economic times, with Federal budget deficits running well over $100 billion a year, there is more pressure than ever to cut "non essential" Government expenditures and increase revenues. As loath as we in the National Park Service are to admit it, the national parks are a national luxury. Except in certain urban recreation areas, moreover, park visitation is heavily weighted to the middle and upper income segments of the public--people who have the money and leisure to travel, who willingly pay the much greater charges levied at commercial theme parks and other private attractions, and who would be unlikely to forego the national parklands if visitor fees there were raised to levels commensurate with their values. These considerations have inspired recent proposals under both the last Democratic and current Republican administrations to increase entrance and user fees, in effect reducing the extent to which the general taxpayer subsidizes the park goer. These proposals have met with strong opposition in Congress, where key members have led the fight to freeze or hold down direct charges to the visiting public.

At such times of dissension, it is frequently useful to look at how today's issues have been regarded and handled in years and decades past. If ready resolution of the current debate is unlikely to be achieved by such a retrospective examination, at least the matter is put in perspective. Partisans on both sides may be reminded that similar battles have been fought before, that public, political, and administrative opinion has

shifted over tine, and that no side has held a perpetual monopoly on wisdom. It is not the purpose of a history like this one to arrive at or even to recommend specific solutions, but rather to provide a broader context within which program managers can address today's concerns.

This study is the result of a charge to the newly appointed bureau historian of the National Park Service to prepare a "model" history of a significant Service program or activity, the goal being to inspire and guide further such projects by other historians in and outside the bureau. (A similar charge for a sample history of a park was fulfilled earlier this year with the author's "Assateague Island National Seashore; An Administrative History.") Chief Historian Edwin C. Bearss conceived the assignment as a means of demonstrating the value of the Service's revitalized administrative history program. Peggy Lipson, then of the Cultural Resources Management office, deserves full credit for suggesting park visitor fees as a timely topic for the history. Richard J. Rambur of the Ranger Activities and Protection Division and Dorothy J. Whitehead of the Office of Legislation were especially helpful in answering questions and making pertinent records available.

During the course of the research, Harry A. Butowsky of the History Division repeatedly characterized the topic as a cure for insomnia, no doubt seeking to impair the author's morale and determination. He gets no credit whatsoever for this product, for which he will surely be grateful.

Barry Mackintosh
December 7, 1982

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*In this paper, as in current official parlance, "user fees" are charges for specific facilities within parks and exclude entrance fees, even though the latter are charges for the use of parks as a whole.

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I. THE PATTERN IS SET, 1908-1940

The Self-Supporting Ideal

Proposed government programs and activities have frequently been sold as "self-supporting" by their promoters. Especially was this so in the pre-New Deal era, when government was not routinely looked to for involvement and assistance in most aspects of society, and when tax revenues were far more limited and confined to far narrower purposes than they are today.

Thus it was that Ferdinand V. Hayden and other Yellowstone proponents assured members of Congress that the first national park, established in 1872, would require no appropriated funds. Concessioner rents were envisioned to provide all the income necessary for Yellowstone's administration. Nathaniel P. Langford, the park's first superintendent, generally agreed. He advocated leasing to concessioners the major points of interest and granting leases for toll roads; the lessees would provide protection for the park. Langford did see the need for an initial appropriation to mark boundaries and institute protective measures, and in 1878 the park began to receive Federal funds. [1]

The ideal of self-supporting parks continued to receive rhetorical homage and was actually achieved at various times in particular areas. Yosemite made a profit, primarily from concessions, in 1907, for example; and Yellowstone's receipts exceeded expenditures in 1915 and 1916, the first years when automobiles were admitted there. During the 1914 season, 1,594 $5 auto permits were issued at Mount Rainier, and the superintendent there saw greater income forthcoming: "It is confidently predicted that park revenues will be sufficient to meet the expenses of an economical administration of park affairs as soon as the present road is permanently improved and safety and comfort assured to automobile users." In the 1917 annual report of the National Park Service, Acting Director Horace M. Albright was equally optimistic: "I believe the time will soon come when Yellowstone, Yosemite, Mount Rainier, Sequoia, and General Grant National Parks and probably one or two more members of the system will yield sufficient revenue to cover costs of administration and maintenance of improvements." [2]

NEXT> The First Visitor Fees

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[1] John Ise, Our National Park Policy; A Critical History (Baltimore: Johns Hopkins Press, 1961), pp. 20, 29.

[2] Ibid., pp. 620-22; Report of the Superintendent of the Mount Rainier National Park, in U.S. Department of the Interior, Reports of the Department of the Interior for the Fiscal Year Ended June 30, 1914 (Washington: Government Printing Office, 1915), I, 779; Annual Report

of the Director of the National Park Service, Oct. 13, 1917, in Reports of the Department of the Interior for the Fiscal Year Ended June 30, 1917 (Washington: Government Printing Office, 1918), I, 806.

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II. POSTWAR PRESSURES AND THE LAND AND WATER CONSERVATION FUND ACT 1947-1967

In 1947 Secretary of the Interior Julius A. Krug reported that park revenues from all sources totaled only about one-ninth of appropriations for the National Park System. The ratio of income to expenditures increased to one-third the following year, marked by higher postwar fee collection and a significant appropriations cut. [1] But the parks needed more rather than less money to upgrade and expand deteriorating prewar facilities to meet the growing public demand.

The Independent Offices Appropriation Act of 1952, approved August 31, 1951, contained an across-the-board provision with direct application to fee collection in the parks:

> It is the sense of the Congress that any work, service,...benefit,...use,...or similar thing of value or utility performed, furnished, provided, granted, prepared, or issued by any Federal agency...to or for any person...shall be self-sustaining to the full extent possible, and the head of each Federal agency is authorized by regulation...to prescribe therefor such fee, charge, or price, if any, as he shall determine...to be fair and equitable taking into consideration direct and indirect cost to the Government, value to the recipient, public policy or interest served, and other pertinent facts, and any amount so determined...shall be collected and paid into the Treasury as miscellaneous receipts... [2]

Because he did not cite it, NPS Assistant Director Thomas J. Allen may have been unaware of this provision when he proposed charging a camping fee in Yosemite Valley the following year. Allen advocated the fee not for revenue, but as a regulatory tool to discourage Californians from monopolizing the campsites year after year. The issue was brought before the Secretary's Advisory Board on National Parks, Historic Sites, Buildings, and Monuments in November 1952. Horace M. Albright, then a board member, had been sympathetic to campground charges when he was director 20 years earlier and put through a resolution to the desired end: "Resolved, that the Advisory Board recommends that the provision of law prohibiting the collection of fees for the use of campgrounds in the national parks and national monuments be repealed as an aid to better regulation and protection." [3] A dozen more years would pass before the board's recommendation would become a reality, however.

Instead, congressional pressure was applied for higher automobile fees (now generally accepted as "entrance fees"). Director Conrad L. Wirth had appeared before the Interior subcommittee of the House Appropriations Committee in January 1952 to seek more NPS staffing

for fee collection. A committee staff investigator thereafter looked into the Service's fee activity and called attention to the fact that at Yosemite, for example, there had been no increase since 1931. At the time of the next subcommittee hearing in February 1953, the subcommittee chairman, Representative Ben F. Jensen of Iowa, criticized Interior's dilatory action on a general fee increase proposal, on hold in the Secretary's office since the preceding June. "All members of this subcommittee have gone through the parks," said Jensen, "and we do not feel justified in making the necessary improvements without the collection of more revenue." Wirth hastened to agree that fees should be raised and promised immediate action. [4]

The higher fees were put into effect in mid-1953. Parks with camping now sold 15-day permits and seasonal or annual permits at a higher price; Yellowstone and Yosemite, for example, charged $3 for a car and trailer for 15 days, $6 for a year. Although nothing was done about a campground fee, a two-week time limit was instituted in most areas that summer. [5]

A toll for the Blue Ridge Parkway, planned since the late, was announced in 1955. It and the prospect of a fee for Great Smoky Mountains National Park aroused strong opposition in Virginia and North Carolina, which had donated the lands with the understanding that they would be open freely. In addition, many mountain residents used the parkway for daily travel. Although the proposed toll was only $1 for 15 days and $2 for a year, it was deferred at the request of the House appropriations subcommittee. A second attempt to institute a Blue Ridge Parkway fee in 1958 was likewise shelved. [6]

Despite the 1953 fee increase, the park deficit widened during the decade of the 1950s. In 1956 park receipts were about one-tenth of appropriations. That year marked the inauguration of MISSION 66, a ten-year program of major expenditures to improve facilities throughout the National Park System. Simultaneously, the System continued to expand with new areas whose fees were low or nonexistent. By 1959 receipts had declined to one-fourteenth the level of appropriations. [7]

In Our National Park Policy; A Critical History, commissioned by Resources for the Future, Inc. (chaired by Horace Albright) at the end of the decade, John Ise was critical of the trend:

> The deficit has been growing, and as Mission 66 gets into full swing it seems likely to grow further. Does this seem fair, equitable, and wise, or should the visitors to the parks pay a larger proportion of the expenses--more than about 6 per cent in 1959? Is it equitable to assess against the people of the entire country more than nine-tenths of the cost of the parks that relatively few ever see?

Urging a general increase in entrance fees to reduce the general taxpayer's subsidy of the park visitor, Ise suggested that few would be kept from the parks by higher charges. Most of those unwilling to pay more, he believed, were insufficiently motivated to benefit much from their visits anyway and would serve the National Park System better by

their absence: "there are too many people in some of the parks, too many particularly who do not really care much for what they see." [8]

As Ise's book was en route to its publication in 1961, Laurence S. Rockefeller, a director of Resources for the Future, was chairing the Government's Outdoor Recreation Resources Review Commission (ORRRC). ORRRC's report to the President and Congress, Outdoor Recreation for America, appeared in January 1962 and called for "user fees" for specific recreational facilities--such as campgrounds--within Federal areas:

> Fees should be charged for those activities which involve exclusive use of facilities or which require the construction of specialized facilities by the government. Fee rates should be calculated to recover a reasonable portion of the cost of administering, operating, and maintaining such facilities...
>
> It is urged that uniformity in user fees be established among agencies on the same level of government and among different levels of government. This fee structure will serve to stimulate provision of similar services by private operators, who will not be faced with competition from free government facilities. [9]

The ORRRC report, which proposed a significant increase in public support for outdoor recreation and Federal assistance from several sources, inspired congressional legislation that year to establish a Land Conservation Fund. The bills introduced contained authority for all recreation-providing Federal agencies to set entrance and user fees. Testifying before the House Interior and Insular Affairs Committee, Secretary of the Interior Stewart L. Udall estimated that the $3 annual auto permit proposed in the legislation for admission to all Federal recreation areas would yield 20 to 45 million dollars a year toward the acquisition of new recreational lands by the Federal Government and the states. [10]

The legislation was reintroduced in the new 88th Congress in 1963, with some modification in its other proposed funding sources and with the broader objective of a Land and Water Conservation Fund. At the Senate Interior and Insular Affairs Committee hearings on the measure that March, broad support was expressed for the interagency entrance fee concept and for user fees. "I firmly believe that it is equitable for recreationists to pay a reasonable fee for the recreational use of Federal lands and waters...," Secretary Udall testified. "Also, the application of user fees for recreation on Federal lands would be a great stimulus to recreational investment by private enterprise." The Izaak Walton League, among the many organizations backing the bill, presented a statement of its policy on fees:

> There should be established systems of charges for recreational use of public lands and waters, such systems to differentiate between fees charged for simple enjoyment of the outdoor environment and those charged for the use of developed facilities or for special services. Revenues from

> these charges should be utilized to expand opportunities for outdoor recreation, to develop recreational facilities, and to assure proper management... [11]

But some were less enthusiastic about the proposed charges. Spokesmen from western states, including Senator Frank Church of Idaho and Senator Ernest Gruening of Alaska, saw the entrance fees as falling most heavily on their constituents because of the extensive national forest lands and other Federal acreage there. In response to complaints about the bill's lack of specifics as to how the fee system would work, Secretary Udall was forced to admit that the details had not been worked out. Prodded by the subcommittee chairman, Senator Clinton P. Anderson of New Mexico, he later reported that Interior envisioned a conservation car sticker for three to five dollars good for general entry to all Federal areas and supplementary user fees for specially developed sites and facilities. [12]

The National Parks Subcommittee of the House Interior and Insular Affairs Committee held its hearings on the corresponding House bills in May. There was much discussion of how and for what uses fees would be collected in national forests, and certain easterners joined in opposition to the fee authorization. Representative James H. Quillen, whose Tennessee district included part of Great Smoky Mountains National Park, was especially adamant on the subject:

> It is my sincere opinion that the placing of any type of entrance admission or any other kind of fee would do violence and damage to this great system of parks and forests and lands, and would impose a burden upon the people of this great country, which is wholly unjustified. I not only oppose such a fee, but I resent the fact that it is even being considered. It looks to me as if this administration has in mind to tax, tax, tax, while I firmly believe that we have too many taxes already, and certainly we do not want to destroy the nature's beauty by imposing a fee before the people can see these beautiful sights which were intended to always be free.

Representative Roy A. Taylor of North Carolina, recalling that his state had donated lands for Great Smoky Mountains National Park and the Blue Ridge Parkway, declared, "Our national parks and recreational areas are part of our national heritage and should be available without charge to all citizens." [13]

Despite these objections, the House committee reported out a new bill that November providing for an interagency annual vehicle entrance permit costing up to $7. The amount was selected for being just over the existing $6 annual entrance fee at Yellowstone and Yosemite. The committee report estimated entrance and user fee receipts averaging about $65 million a year over the first ten years if the interagency permit were priced at only $5. Six committee members maintained opposition to both entrance and user fees: "Since the Northwest Ordinance of 1787," they stated in the report, "our land laws have historically recognized the principle that the American people own the public

domain and shall enjoy it without taxation." [14]

When the reported bill finally reached the House floor in July 1964, Representative John P. Saylor of Pennsylvania, a committee supporter, minimized the cost of the interagency permit. "Although the bill provides for up to a $7 annual fee, the administrative thinking is that the price of such voluntary annual sticker will be in the neighborhood of $3 to $5," he said. "This is the equivalent of the price of one tank full of gasoline." There was concern about admission fees being imposed for access to undeveloped areas, and several members remained unreconciled to the entire idea. "I do not believe the people of the United States want fees to be charged...to go onto land that they already own," said Representative Jack Westland of Washington. But Representative Morris K. Udall of Arizona spoke for the majority ultimately voting for passage: "I cannot believe that the American people are going to blame those in Congress who suggest that those who use the facilities provided by the taxpayers' money should pay a little bit more than those who do not, when we are trying to acquire the parks we need in the East, West, North, and South." [15]

The House-passed bill, H.R. 3846, was referred to the Senate Interior and Insular Affairs Committee, which amended it in several particulars. Authority for charging fees for the use of Federal wilderness areas and waters was removed (although fees could be levied for boat launch ramps and moorings). The committee reported the amended bill with a strong endorsement of the general fee concept:

> [T]he principle of charging fees for recreation use of Federal areas is neither new nor inequitable. It is in complete accord with the American tradition for full and fair payment for value received...
>
> For more than a decade and a half, the Government has had a policy that where the use of Federal resources conveys special benefits to identifiable recipients above and beyond those which accrue to the general public, such recipients should pay a reasonable charge for the service or product received or for the resource used.
>
> The budget messages of Presidents since 1947 have supported this policy.
>
> The Congress endorsed this basic concept when, in 1951, it enacted title V of the Independent Offices Appropriation Act of 1952 (5 U.S.C. 140), wherein it was stated that services which are rendered to special beneficiaries by Federal agencies should be self-sustaining to the fullest extent possible...
>
> Federal recreation areas have been acquired or developed for the most part from funds appropriated out of the general tax revenues to the U.S. Treasury. People who use these areas receive special benefits which do not accrue to the public at large. In fairness to the general taxpayer, who

> carries the major burden of support for these areas, the recipient of these special benefits--the people who use the areas for recreation purposes--should pay a modest fee for the resources used.
>
> The payment of fees by persons who obtain special recreational benefits from the use of Federal lands is analogous to the payment of fees by persons who obtain special benefits from grazing livestock or cutting timber on Federal lands. There is ample evidence of the recreation users' willingness to pay for both privately and publicly provided recreation opportunities. Organizations representing recreationists have, without exception, endorsed H.R. 3846 and have supported its enactment with unusual urgency. [16]

The Senate passed the bill on August 12, with only Senator Allen J. Ellender of Louisiana voting against it. [17] The House and Senate subsequently agreed to a conference report reconciling their differences, and President Lyndon B. Johnson signed the final version on September 3.

Public Law 88-578, the Land and Water Conservation Fund Act of 1965 [18] (so designated for its effective date of January 1, 1965), directed to be covered into a separate Treasury account "all proceeds from entrance, admission, and other recreation user fees or charges collected or received by the National Park Service" and other specified bureaus (although existing revenue sharing agreements with states and localities were not to be affected). Also to be credited to the fund were revenues from the sale of surplus Federal property (which had been estimated to bring in about $50 million a year) and Federal taxes on motorboat fuels (supposed to yield some $30 million annually). [19] The President was authorized to designate areas "administered primarily for scenic, scientific, historical, cultural, or recreational purposes" where fees would be charged, with certain specified exclusions: private noncommercial vehicles could not be charged for nation al parkway travel, for example, and fees could not be levied on secondary roads into Great Smoky Mountains National Park unless they were applied on main highways through the park (a practical impossibility). In accordance with the Senate amendments, no fee could be charged for the use of waters, and no entrance fee could be collected at areas without recreation facilities or services provided at Federal expense, precluding charges for wilderness.

The act provided for four classes of visitor fees:

> (i) An annual fee of not more than $7 payable by a person entering an area so designated by private noncommercial automobile which...shall excuse the person paying the same and anyone who accompanies him in such automobile from payment of any other fee for admission to that area and other areas...except areas which are designated by the President as not being within the coverage of the fee, during the year for which the fee has been paid.

> (ii) Fees for a single visit or a series of visits during a specified period of less than a year to an area so designated payable by persons who choose not to pay an annual fee...or who enter such an area by means other than private noncommercial automobile.
>
> (iii) Fees payable for admission to areas not within the coverage of a fee paid under clause (i)....
>
> (iv) Fees for the use within an area of sites, facilities, equipment, or services provided by the United States.

All fees were to be "fair and equitable, taking into consideration direct and indirect cost to the Government, benefits, to the recipient, public policy or interest served, and other pertinent factors." The fiscal 1929 and 1930 appropriations act provisions restricting NPS campground charges were repealed, as were "all other provisions of law that prohibit the collection of entrance, admission, or other recreation user fees or charges authorized by this Act or that restrict the expenditure of funds if such fees or charges are collected...." In other miscellaneous provisions, no free passes were to be given members of Congress or other Government officials, and no money from fees or the other Land and Water Conservation Fund revenue sources was to be used for publicity purposes.

As a first step in implementing the Land and Water Conservation Fund Act, President Johnson issued Executive Order 11200 on February 26, 1965. To the several criteria in the act for designating fee areas it added administrative and economic practicality. Its primary purpose was to place the responsibility for a uniform Federal fee system in the hands of the Secretary of the Interior, which in practice meant the Bureau of Outdoor Recreation (BOR).

BOR coordinated preparation of the necessary regulations, which were published in Title 43 of the Code of Federal Regulations, Part 18. The fee system got underway rather haphazardly late in the 1965 season, and the regulations were revised for greater effectiveness in 1966. In addition to the universal entrance permit dubbed the "Golden Eagle," whose cost was set at the maximum $7 authorization, 30-day temporary permits and day-use permits for single areas were established on a uniform basis. In 1967 user fee criteria were added to the regulations. Sites, facilities, equipment, and services were to be charged for according to (a) the direct and indirect Federal cost of maintenance; (b) the quality and variety of recreational opportunities offered; (c) the charges for comparable government and private facilities elsewhere; (d) the impact of the charge on the potential development of other facilities; and (e) the contributions of state and local governments and private sources to development and maintenance.

On paper, all was now in place for a rational, remunerative Federal system of visitor fees. In practice, the system bore little relationship to the rosy predictions made of it. The task of developing a workable recreational fee program had only begun.

End of Chapter 2

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[1]John Ise, Our National Park Policy; A Critical History (Baltimore: Johns Hopkins Press, 1961), p. 622.

[2]65 Stat. 290.

[3]Advisory Board Minutes, 27th Meeting, Nov. 17-18, 1952, in Advisory Boards and Commissions office, National Park Service, Washington, D.C.

[4]U.S., Congress, House, Committee on Appropriations, Interior Department Appropriations for 1953, Hearings, 82d Congress, 2d Session, 1952, pp. 246-47; same for 1954, 83d Congress, 1st Session, 1953, pp. 208-10.

[5]Ise, Our National Park Policy, p. 622; Interior Appropriations Hearings, 1954, p. 210.

[6]Ise, Our National Park Policy, p. 626; U.S., Congress, House, Committee on Interior and Insular Affairs, Land and Water Conservation Fund, Hearings on H.R. 3846, H.R. 3864, et al., 88th Congress, 1st Session, May 27-28, 1963, pp. 60, 64-65.

[7]Ise, Our National Park Policy, pp. 623-24.

[8]Ibid., pp. 624-25, 635-36.

[9]U.S., Outdoor Recreation Resources Review Commission, Outdoor Recreation for America; A Report to the President and to the Congress by the Outdoor Recreation Resources Review Commission (Washington: Government Printing Office, 1962), pp. 168-69.

[10]U.S., Congress, House, Committee on Interior and Insular Affairs, Land Conservation Fund, Hearings on H.R. 11172 et al., 87th Congress, 2d Session, July 11-12 and Aug. 8, 1962, pp. 31-32.

[11]U.S., Congress, Senate, Committee on Interior and Insular Affairs, Land and Water Conservation Fund, Hearings on S. 859, 88th Congress, 1st Session, Mar. 7-8, 1963, pp. 13, 119.

[12]Ibid., pp. 30-34, 46.

[13]House Land and Water Conservation Fund Hearings, 1963, pp. 12-13, 68-69, 80-84.

[14]House Report 900, 88th Congress, Nov. 14, 1963.

[16]Senate Report 1364, 88th Congress, Aug. 10, 1964.

[17]Several years before, Senator Ellender had visited Vicksburg Nation al

Military Park, where a 25 cent admission fee was charged at the visitor center. He loudly proclaimed the fee a "gyp" and said it should be discontinued. It was. (Interview with Edwin C. Bearss, Sept. 2, 1982.)

[18]78 Stat. 897.

[19]Senate Report 1364.

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III. IF AT FIRST YOU DON'T SUCCEED... 1968-1972

The 1968 Land and Water Conservation Fund Act Amendment

The Land and Water Conservation Fund was supposed to realize an average $65 million a year over the first ten years from visitor fees, assuming the Golden Eagle permit were priced at only $5. With the permit actually priced 40 percent higher, revenues should have been significantly greater. Instead, they were less-much less, with no prospect of rising anywhere near the forecasted figure.

In 1967 the Bureau of Outdoor Recreation hired a consulting firm, Arthur D. Little, Inc., to study the problem and come forth with recommendations. The Little report, submitted that December, advocated greater emphasis on advance sales of the Golden Eagle and greater availability of the permit at commercial outlets and post offices, with a major advertising campaign to promote its sale. It proposed a complicated system of permits for single areas and single day visits costing insignificantly less than $7, the object being to encourage general purchase of the Golden Eagle in advance. Heavy enforcement, including "impounding of vehicles improperly present in Federal recreation areas," would further compliance. If its recommendations were adopted, the Little report suggested that annual fee income could be raised from an estimated $12 million in 1969 to $33 million--still far short of what was predicted at the outset of the program. [1]

In February 1968 the House and Senate Interior committees held hearings on bills amending the Land and Water Conservation Fund Act. Their primary objective was to bring new revenue into the shaky fund; Outer Continental Shelf oil and gas leasing receipts were earmarked for this purpose. During the legislative process there was much discussion of the inadequacies of the visitor fee system that had originally been envisioned as the fund's major revenue source. Of the several fee collecting bureaus, only the National Park Service had produced enough money to justify its participation; the Corps of Engineers was least supportive of the major recreation area managers.

"I just do not believe it is equitable for the National Park Service...to have to use its moneys that it collects, and believes in collecting them, to help finance operations by the Corps of Engineers," said Representative Wayne N. Aspinall of Colorado, chairman of the House Interior Committee, at the House hearing. He opposed pooling the fee revenues, proposing instead that each agency's receipts be kept in a separate account for its exclusive benefit. Spencer M. Smith of the Citizens Committee on Natural Resources dissented, fearing that such an arrangement would exacerbate interagency competition. Representative Roy A. Taylor, now chairman of the Parks and Recreation Subcommittee, reiterated his general opposition to entrance fees while

complaining, with Representative James A. McClure of Idaho, that the universal $7 permit was too great a bargain from a revenue standpoint. At the corresponding Senate hearings, Senators A. S. Mike Monroney and Fred R. Harris of Oklahoma were especially negative about fees for Corps of Engineers reservoir access and facilities. [2]

Asked to comment on the proposed abolition of the interagency fee system after the hearings, the National Park Service straddled the issue:

> We prefer the present provision of law with respect to fees. In particular we believe that a single sticker admitting the public to recreation areas without regard to administrative jurisdiction is desirable and in the best interest of the public. However, we would not object to the amendment in question inasmuch as a [Service] fee system could still be instituted... It would be our intent that fees ear marked under this provision be used to finance State and Federal planning assistance and for National Park System and wilderness planning which relate directly to the improvement and enhancement of outdoor recreation. [3]

The Interior Department, to which the Service's comment was addressed, took a less equivocal stand in officially responding to Chairman Aspinall on the House committee's proposed amendments:

> This Department strongly believes that the present language of the land and water conservation fund, which encourages uniform inter-agency approach, as exemplified by the "Golden Eagle" program, be allowed to continue for at least 2 more years until it has had a 5-year trial period, and that it then be reassessed...
>
> This administration is philosophically committed to reasonable user charges for Government services as evidenced by the President's memorandum to heads of departments and agencies of May 17, 1966, entitled "User Charges for Government Service"...

If the uniform system were to be deauthorized, Interior requested language requiring all agencies to charge recreation fees whenever economically feasible:

> Unless this is done, the private sector would be seriously discouraged from providing recreational facilities such as private camp, picnic, trailer, and similar facilities if they must compete with free Federal facilities. It is most important in our opinion that the Federal fees be set at a rate that does not disadvantage the private operator or States and local public agencies which charge for recreation areas under their jurisdiction. [4]

In a simultaneous communication to Aspinall, the Bureau of the Budget conceded that visitor fee revenues had fallen short of expectations and that experience had shown the impracticality of collecting at some areas. "Because of both these factors," it wrote, "we are asking the Federal

agencies, under the leadership of the Department of the Interior, to reevaluate the present fee system with the objective of devising a revised system" that would be internally consistent, widely applicable, and more profitable. The Budget Bureau supported Interior's request for a two-year extension of the present system while this review was in process. [5]

Within Interior, the Bureau of Sport Fisheries and Wildlife had expressed concern that the proposed separate bureau accounts for fee receipts would be prejudicial to regular appropriations, despite a disclaimer of such an effect in the House committee's bill. (The Park Service, whose much greater receipts could enable it to profit far more from this arrangement, was evidently willing to take this chance.) The Budget Bureau came out against the separate account provision: "[It] would seem to have little practical value and would substantially further complicate administration of the Fund." [6]

On March 29 the Senate committee reported its bill, which left the existing fee system intact. Its report restated its commitment to the concept of visitor fees, while accepting the need for a subsequent review of the system then in effect:

> [T]he committee recognizes the fact that, in practice, the fee system under the Land and Water Conservation Fund Act has called forth public opposition and been the subject of controversy in some areas. It has been asserted that the costs of collection exceed the amount of revenues derived from them.
>
> This assertion appears to be open to question, particularly since personnel engaged in collection of fees usually also perform other functions at Federal outdoor recreation facilities. In addition, outdoor recreation officials report that the public tends to take far better care of areas where fees are charged than where admission and use is free.
>
> In view of the disagreements as to the facts and the controversy as to the policy, the committee believes the entire fee system under the act should be the subject of comprehensive legislative review. This bill, which is in the nature of emergency legislation to provide aid to the States and Federal agencies to save their outdoor recreation programs, is not the proper legislative vehicle for such consideration, the committee believes.
>
> Therefore, the fee system will be given the full and careful study required in separate legislation. [7]

The bill reported by the House committee a month later provided for repeal of the interagency fee system effective April 1, 1969. The House committee's report reviewed the situation as it had developed and justified the position taken:

> When the Land and Water Conservation Fund Act was

> passed in 1964, it was expected that receipts from the sale of annual automobile permits and from admission and user fees would total nearly $60 million by the fourth year of operation of the fund.... Current indications are that they will do well to reach $10½ million, or 18 percent of this amount, in spite of the fact that the automobile permit (the so-called Golden Passport) is such a tremendous bargain that there have been complaints that some of its users spend weeks and even months in the areas to which it applies for a price of only $7 and are, therefore, not carrying a reasonable share of the costs involved.
>
> Nearly 75 percent of the admission and user fees that are received are collected by the Department of the Interior and 20 percent by the Department of Agriculture.... In fact, two-thirds of all the fees collected come through the National Park Service alone.
>
> This is a great disappointment to members of the committee, for it means two things -- (1) that the only real effort that is being put into carrying out the intent of the Land and Water Conservation Fund Act is that of the National Park Service, notwithstanding the great recreational opportunities that are provided by installations of the Corps of Engineers and other Federal agencies, and (2) that a large segment of the American public is oblivious to the fact that it costs money to supply outdoor recreation facilities that every individual can enjoy and would rather see them supported entirely from public sources of revenue than contribute a small fraction of their cost. Add to this that some agencies estimate that they expend as much collecting the fees in certain areas as they take in, and it is clear that something is radically wrong.
>
> Notwithstanding all this, however, the committee has regretfully concluded that the attempt to find a uniform Government-wide fee system should be abandoned beginning April 1, 1969; that responsibility for fixing and collecting fees should be returned to the individual agencies and departments...; and that the fees collected by each agency should be earmarked for appropriation for its own use. It is the intent of the committee that appropriations from this source shall be without prejudice to appropriations from other sources--in other words, that the agencies collecting fees shall not be punished by having their regular appropriations cut back and those which fail to collect fees shall not be rewarded by having their regular appropriations increased to make up for their failure to collect. [8]

On the House floor, Representative Aspinall chastised those who had undermined the existing fee system and spoke positively of the incentive to individual agencies provided by his committee's amendment:

> I regret that it seems to be appropriate to abandon the existing fee program, but unfortunately those who enthusiastically support expansive and expensive outdoor recreation projects are apparently unwilling to make any significant effort to make this aspect of the program function as it should. The existing fee program has not worked well to date and I have no reason to believe that the future will be much brighter. I believe that, under the fee system recommended by the committee, the collecting agency would be encouraged to develop the most effective program possible if the fees collected are returned to it as a supplement to its regular appropriations.

The House and Senate passed their respective bills, which were finally reconciled by a conference committee report agreed to on July 2. Another Oklahoman, Representative Ed Edmondson, spoke out against any entrance fees before the final vote, but the compromise accorded essentially with the House committee version allowing each agency to set its own fees. The repeal date for the interagency system was extended to April 1, 1970: "This will give the administration an extra year in which to satisfy its critics, if it can do so, that the Government-wide system of user and admission fees can be made to work," said Aspinall in speaking for the compromise. [10]

The resulting Public Law 90-401, approved by President Johnson July 15, 1968, rescued the Land and Water Conservation Fund by authorizing the addition of sufficient revenues from Outer Continental Shelf oil and gas leasing to bring the fund to a total of $200 million annually. More relevant to the present study is its language on visitor fees. Although it repealed the authority for the universal fee system in the original Land and Water Conservation Fund Act, by setting the effective date more than a year and a half ahead it left open the door for reconsideration. In lieu of the repealed authority, the act provided clear support and at least theoretical incentive for fee collection by individual agencies:

> It is not the intent of the Congress by this repealer to indicate that Federal agencies which have under their administrative jurisdiction areas or facilities used or useful for outdoor recreation or which furnish services related to outdoor recreation shall not exercise any authority they may have, including authority under section 501 of the Act of August 31, 1951..., or any authority they may hereafter be given to make reasonable charges for admission to such areas, for the use of such facilities, or for the furnishing of such services. Except as otherwise provided by law or as may be required by lawful contracts..., all fees so charged shall be covered into a special account under the Land and Water Conservation Fund and shall be available for appropriation, 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. [11]

For one agency, the Corps of Engineers, this provision quickly became

a dead letter. Thanks to Representative Edmondson, the Flood Control Act of 1968 was enacted on August 31 with a Section 210 prohibiting entrance fees at all Corps recreation areas as of April 1, 1970. [12] On the basis of the act's legislative history and a subsequent resolution by the House Public Works Committee, the Corps discontinued user fees immediately and entrance fees that October, much to the chagrin of those still hoping for continuation of the interagency system.

NEXT> The 1970 Land and Water Conservation Fund Act Amendment

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[1]"Marketing Study and Recommendations Concerning Federal Recreation Area Permit and Fee System," Report to Bureau of Outdoor Recreation, December 1967.

[2]U.S., Congress, House, Committee on Interior and Insular Affairs, Land and Water Conservation Fund Act Amendments, Hearings on H.R. 8578 et al., 90th Congress, 2d Session, Feb. 6, 7, 21 and Mar. 4, 1968, pp. 162-63, 168, 175, 183-84; U.S., Congress, Senate, Committee on Interior and Insular Affairs, Land and Water Conservation Fund Act Amendments, Hearings on S. 1401 et al., 90th Congress, 2d Session, Feb. 5, 6, and 21, 1968, pp. 16-31.

[3]Memorandum, Assistant to the Director Frank E. Harrison to Legislative Counsel, Office of the Solicitor, Mar. 21, 1968, in Legislative History, P.L. 90-401, Interior Law Library.

[4]Letter, Assistant Secretary Harry R. Anderson to Aspinall, Mar. 26, 1968, in House Report 1313, 90th Congress, Apr. 24, 1968.

[5]Letter, Assistant Director Wilfred H. Rommel to Aspinall, Mar. 26, 1968, in House Report 1313.

[6]Memorandum, Acting, BSFW, to Legislative Counsel, Mar. 22, 1968, in Legislative History, P.L. 90-401; Rommel to Aspinall, Mar. 26, 1968.

[7]Senate Report 1071, 90th Congress.

[8]House Report 1313.

[9]Congressional Record, May 23, 1968, p. H4190.

[10]Ibid., July 2, 1968, p. H5898.

[11]82 Stat. 354.

[12]82 Stat. 746.

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IV. CONGRESS FUMBLES AND RECOVERS, 1973-1974

The 1973 Land and Water Conservation Fund Act Amendment (The Fumble)

With all the thought and effort that went into the making of Public Law 92-347, the 1972 Land and Water Conservation Fund Act amendment, one might assume that all would have been quiet on the fee front for some time thereafter. Such was not the case. The Corps of Engineers, always a reluctant participant in the interagency fee system, again proved troublesome to the partnership.

Whether by ineptitude or design, the Corps responded to the latest legal authority for user fees and Office of Management and Budget pressure to maximize income by imposing onerous charges for simple boat ramps, rest rooms, parking lots, and other facilities seemingly precluded from user fees by the 1972 conference committee report. The response was a House bill the following year in the 93rd Congress, in the nature of an amendment to Section 210 of the 1968 Flood Control Act, that would prohibit user fees in Corps areas for common day use facilities and for campgrounds without flush toilets, showers, and certain other amenities.

The bill, H.R. 6717, was referred to and favorably reported by the Public Works Committee, which had primary jurisdiction over Corps affairs. On the House floor Representatives Roy Taylor and John Saylor of the Interior Committee opposed its passage; they observed that few if any Federal campgrounds would qualify for fee collection under its restrictions and argued that the Corps should conform to the same user fee standards as other Federal agencies rather than being specially treated. But the bill passed on May 22, 1973, by a vote of 307 to 90. [1]

H.R. 6717 was next referred to and favorably reported by the Senate Public Works Committee. The Senate Interior Committee then obtained it. Another bill had already passed the Senate, of similar purpose but differing in two significant respects: it was less restrictive on camping charges, excluding only "lightly developed or back-country campgrounds"; and it amended the Land and Water Conservation Fund Act rather than the Flood Control Act, making it apply equally to all recreation-providing agencies. The Interior Committee reported H.R. 6717 amended by substitution of the other bill's language. [2]

In its report, the Interior Committee also noted problems with the "single visit" permit after the 1972 act had eliminated the "series of visits" permit alternative. Agencies were construing a single visit to mean a daily visit and were charging people for each day they remained. On the Senate floor on July 17, Senator Alan Bible, the parks subcommittee chairman, added an amendment defining a single visit as

"that length of time a visitor remains within the exterior boundary of a designated fee area beginning from the day he first enters the area until he leaves, except that on the same day [the] admission fee is paid, the visitor may leave and re enter without the payment of an additional admission fee to the same area." [3]

Senator Dewey F. Bartlett of Oklahoma then rose with another amendment striking the user fee prohibition on "lightly developed or back-country campgrounds" and substituting language similar to that in the House-passed version of H.R. 6717, which originally applied only to the Corps of Engineers but now applied across the board:

> [I]n no event shall there be a charge for the day use or recreational use of those facilities or combination of those facilities or areas which virtually all visitors might reasonably be expected to utilize, such as, but not limited to, picnic areas, boat ramps where no mechanical or hydraulic equipment is provided, drinking water, wayside exhibits, roads, trails, overlook sites, visitors' centers, scenic drives, and toilet facilities. No fee may be charged for access to or use of any campground not having the following--flush restrooms, showers reasonably available, access and circulatory, sanitary disposal stations reasonably available, visitor protection control, designated tent or trailer spaces, refuse containers and potable water.

"My amendment...spells out in detail when fees may be charged for the use of campgrounds for overnight camping..., " said Bartlett. "I have discussed the amendment with General Morse [John W. Morris], of the Corps of Engineers. He said that he would favor having the whole matter very clearly spelled out, as this does, and that this was acceptable to him" [4]

Possibly unaware of its implications, Senator Bible concurred: "I believe it is a good amendment, and I think it should be adopted." It was, and the Senate passed the bill with both floor amendments. The House subsequently agreed to the Senate version without debate, and President Nixon made it Public Law 93-81 on August 1. [5]

Asleep at the switch, House and Senate Interior Committee members supportive of user fees had allowed derailment of the greatest source of such fee revenue--campground charges. In the National Park System, not all campgrounds where fees were levied had flush restrooms, and virtually none had showers. (In some areas concessioners provided showers nearby, but because separate fees were charged for them they could not be counted as campground facilities justifying Government-imposed fees.) The Park Service and the other agencies in similar circumstances were thus forced to drop their campground charges in the middle of the 1973 season. [6]

In addition to their revenue production, the campground fees had also become valuable for visitor control purposes. With this tool removed, same campers stayed longer than they otherwise would have, rangers found time limits difficult to enforce, and visitor complaints ensued. The

campground reservation system instituted by the Park Service that year was also adversely affected. Because the camping fee could no longer be collected at the time of reservation, there was no refund incentive for advance cancellation, leading to numerous "no-shows." [7]

NEXT> The 1974 Land and Water Conservation Fund Act Amendment (The Recovery)

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[1]House Report 93-212, May 16, 1973; 119 Congressional Record 16515-20.

[2]Senate Report 93-250, June 25, 1973; S. 1381, passed Senate May 16, 1973; Senate Report 93-312, July 12, 1973.

[3]Senate Report 93-312; 119 Congressional Record 24378.

[4]119 Congressional Record 24379.

[5]Ibid., pp. 24379, 24920-21; 87 Stat. 178.

[6]At that time there were 7 campgrounds in the Park System charging $4 per site per night, 38 charging $3, 36 charging $2, 41 charging $1, and 311 at which no charge was levied.

[7] 7U. S., Congress, House, Committee on Interior and Insular Affairs, Amendments to the Land and Water Conservation Fund Act, Hearings on S. 2844 et al., 93d Congress, 2d Session, Apr. 8-9, 1974, p. 59.

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V. CONFLICTING PRESSURES; CONGRESS PUTS THE LID ON 1975-1980

The Seasonal Fee Rates Experiment

At Yosemite, one of the most heavily visited units of the National Park System, the campgrounds are chronically crowded with waiting lines during the peak summer season. For a brief time in the mid-1970s, the park reduced the fee at certain campgrounds from $4 to $2 during the months of November through March, the object being to shift some of the summer use to the off-season.

No such shift occurred, suggesting that few if any of the summer campers were so hard-pressed by the $4 fee as to find the winter discount an incentive to change their vacation plans. Because per capita operating costs were higher in the winter, the reduced seasonal rate was discontinued. The experiment was not repeated elsewhere. [1]

The Public Willingness to Pay Study, 1976

In 1976 the Bureau of Outdoor Recreation (BOR) commissioned Economic Research Associates to conduct a study of the public's willingness to pay user charges for recreation facilities. "Increased emphasis has...been placed by the Office of Management and Budget on developing more definitive economic criteria for allocation of resources, as well as encouraging greater self-sufficiency of recreation areas and facilities/services through the application of user fees," the study report noted in justifying its purpose.

The contracted firm surveyed 800 households representing varying ages, incomes, educational levels, and geographic areas. Its report revealed that a majority of all demographic groups favored the user fee concept as opposed to total reliance on general tax revenues, and that most people were willing to pay higher fees than were then in effect. Interestingly, opposition to user fees on the grounds that they deterred lower-income participation came more from higher income and education levels; those of lower income and education, who did patronize recreation facilities less, expressed the greatest support for fees. BOR distributed the report to Federal, state, and local recreation-providing agencies to encourage them to place greater reliance on user fees as a way out of their current funding difficulties. [2]

NEXT> The NPS Recreation Fee Study, 1977

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[1]Memorandum, Acting Director Daniel J. Tobin, Jr., to Director, Heritage Conservation and Recreation Service, Feb. 24, 1978, NPS Ranger Activities and Protection Division, Washington, D.C.

(hereinafter cited as WASO-535).

[2]"Evaluation of Public Willingness to Pay User Charges for Use of Outdoor Recreation Areas," Sept. 1, 1976 (copy in Interior Library).

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VI. THE ADMINISTRATION STRIKES BACK, 1981-1982

The Recreation Fees and Improvements Act of 1982

The several congressional initiatives of 1978-1980 restricting fee collection]and administrative control over receipts flew in the face of President Jimmy Carter's Office of Management and Budget and Interior Department leadership. On this issue, President Ronald Reagan's appointees agreed totally with their predecessors. Under even greater pressure to cut domestic spending, they saw park fees as a logical way of offsetting general revenue appropriations for this discretionary category of the Federal budget.

Under orders to respond to what Congress had wrought, the Service's legislative office prepared and circulated for comment within the agency a draft "Park and Recreation Revenue Act of 1982" in December 1981. The draft bill would increase the $10 ceiling on the Golden Eagle Passport, make entrance and user fee receipts available to the collecting agency for authorized outdoor recreation functions without further appropriation, make VTS fees available without appropriation for VTS establishment and enhancement only, and repeal inconsistent provisions of existing law, including the general entrance fee freeze and the several park-specific fee prohibitions. [1]

The proposed bypass of the congressional appropriations process was judged unrealistic; it was also inconsistent with the response received from OMB to the Service's fiscal 1983 budget request. In addition to repeal of the freeze and the Golden Eagle ceiling, OMB wanted fee revenues subject to annual appropriations to offset funding from general revenues. It also sought repeal of the legislated criteria for user charges in the 1974 Land and Water Conservation Fund Act amendment. [2]

The bill was revised to have fee revenues, including concession franchise, returned to a special account available for appropriation to the collecting agency; unlike past practice, 20 percent of the revenues would be earmarked for the collecting park or area, while the rest would go for "restoration and improvement of visitor use facilities" generally. The minimum standards for camping fees would be removed, and the Golden Eagle ceiling would go to $25.

Meanwhile, Interior's Policy, Budget, and Administration (PBA) secretariat, traditionally allied with OMB in support of higher fees, was promoting the cause to Secretary James G. Watt:

> We feel that a lot more could be done with the concept of User Fees than either the National Park Service or the Office of Management and Budget currently are considering.

1. The User Fee Program must be established in such a way that the NPS, from top to bottom, has the maximum incentive possible to both increase and collect fees. If those fees are completely offset against appropriations, such an incentive disappears.

2. The User Fee Program has not worked well in the past because NPS personnel have not seen any benefits to the Park Service from the fees and often have viewed a fee program as a liability.

3. With proper development, a User Fee Program can move the NPS in the direction of self-sufficiency and substantially, or entirely, free the Park System from the appropriation process. [3]

In commenting on the Service's revised draft bill, PBA declared the $25 Golden Eagle still too inexpensive and favored discontinuation of the annual pass and per-vehicle fee approach as insufficiently productive of revenue. It recommended deauthorization of the Golden Eagle and substitution of general language allowing the Secretary to develop "multiple visit entrance permits" on a per capita basis. It opposed the 20 percent provision as too restrictive. It wanted authority to charge for back-country camping, canoeing, and rafting. So that fee revenues would not be used to offset general appropriations and thus impair the Service's incentive to collect, it proposed an agreement with OMB to hold the NPS budget at the 1983 level (possibly indexed for inflation) for the next five years, during which increases would come from fees. [4]

At a meeting attended by Secretary Watt, Assistant Secretary G. Ray Arnett (Fish and Wildlife and Parks), and Deputy Assistant Secretary William D. Bettenberg (PBA) on January 5, 1982, agreement was reached to rework the bill generally in accordance with PBA's recommendations. [5] The bill was put in final form at OMB after another meeting there with representatives of Interior, Agriculture, and the Corps of Engineers; it was transmitted to Congress on February 22 retitled "Recreation Fees and Improvements Act of 1982."

The transmittal letters to the President of the Senate and the Speaker of the House, signed by Secretary Watt, Secretary of Agriculture John R. Block, and Secretary of the Army John O. Marsh, Jr., declared the administration bill "necessary for full implementation of the President's program for economic recovery." Noting that existing fee revenues covered only four percent of the cost of public recreation areas and facilities, they estimated an increase to ten percent under the proposed legislation. The bill would accomplish this by

- authorizing all Federal recreation-providing agencies to collect entrance fees;
- authorizing entrance permits, including the Golden Eagle, Golden Age, and Golden Access passports, for each visitor 16 or over rather than for carloads, and eliminating the $10 limit on the

Golden Eagle;

- repealing the entrance fee freeze and Mount McKinley transportation fee prohibition in Public Law 96-87, the several park-specific entrance fee prohibitions, the prohibition on national parkway fees and the limitation on Great Smoky Mountains National Park entrance fees in the Land and Water Conservation Fund Act, and Section 210 of the 1968 Flood Control Act prohibiting Corps of Engineers entrance fees;

- repealing the prohibitions on user charges for certain facilities, including picnic tables, unmechanized boat ramps, and primitive campgrounds;

- authorizing user fees for wilderness areas, national trails, and wild and scenic rivers; and

- repealing the provision in the fiscal 1981 Interior Appropriations Act requiring visitor fee revenues to be deposited in the Land and Water Conservation Fund, thereby restoring the agency recreation fee accounts for greater collection incentive. [6]

Among the provisions in the bill was one authorizing the several agency heads " to require an admission permit for the occupancy and use of Federal lands for hunting and fishing...." When this reached the responsible congressional committees, reaction was immediate and emphatic. Only four days after its transmittal, Secretary Watt wrote the presiding officers of Congress asking that the bill be withdrawn. The bill had been misunderstood to prescribe Federal hunting and fishing licenses, he said:

> That certainly was not the intent of the proposal and we want the record to be absolutely clear on this issue. The provision was included to allow an expansion of the Golden Eagle Passport to cover those areas for which there is a charge for entry into hunting and fishing areas. In other words, we were giving an additional benefit to hunters and fishermen whereby they could use their Golden Eagle Passport in these particular areas without having to pay additional fees.... However, because this provision has been badly misinterpreted, we would request that this legislation be withdrawn to allow us the opportunity to revise the legislation to reflect our true intention.

"Thank you for forcefully bringing to our attention your objections to our recent submission to the Congress on recreation fees..., " Assistant to the Secretary Stanley W. Hulett wrote simultaneously to Senator James A. McClure of Idaho, chairman of the Energy and Natural Resources Committee. "It was our intention to expand the Golden Eagle Passport by allowing its use for entry into federal hunting and fishing areas where entry fees are already charged." [7]

NEXT> The National Park System Fee Dedication and Park Improvement Act of 1982

[1]Memorandum, Chief, Office of Legislation to NPS Associate Director, Management and Operations, Dec. 4, 1981, NPS Office of Legislation,, Washington, D.C. (hereinafter cited as WASO-170).

[2]Memorandum, Associate Director Nancy Garrett to Chief, Office of Legislation, Dec. 15, 1981, WASO-170.

[3]Memorandum, Deputy Assistant Secretary William D. Bettenberg, PBA, to Watt, Dec. 17, 1981, WASO-170.

[4]Memorandum, Assistant Secretary J. Robinson West, PBA, to Assistant Secretary, Fish and Wildlife and Parks, Dec. 29, 1981, WASO-170.

[5]Memorandum, James M. Lambe to reviewers, Jan. 17, 1982, WASO-170.

[6]Letters, Watt, Block, and Marsh to George Bush and Thomas p. O'Neill, Jr., Feb. 22, 1982, with accompanying bill, WASO-170.

[7]Letters, Watt to Bush and O'Neill, Feb. 26, 1982, WASO-170; letter, Hulett to McClure, Feb. 26, 1982, WASO-170. The explanations given were confused if not disingenuous. Entrance fees were levied in no areas where hunting was permitted. At all areas where entrance fees were charged, including those with fishing, the Golden Eagle already served for admission. The only way use of the Golden Eagle would be expanded for hunters and fishermen was to charge for previously free hunting and fishing areas--the clear purpose of the offending provision.

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VII. SOME CONCLUDING COMMENTS

In reviewing the turbulent history of visitor fees in the National Park System, several observations and conclusions may be drawn.

Fees have almost always been controversial, with different parties on different sides at different times. Congress initially supported fees as a way of making the parks more nearly self-supporting. In the 1920s Representative Louis C. Cramton, chairman of the Interior appropriations subcommittee, reversed this policy; although failing to drastically cut the equivalent of entrance fees, he succeeded in prohibiting campground charges. In the 1930s the subcommittee leadership supported the extension of entrance fees, and in the early 1950s it pressed hard for more fee revenue. The Land and Water Conservation Fund Act of 1965 was preceded by a broad consensus on the fee concept. In the last decade the consensus eroded, with Representative Phillip Burton, chairman of the Interior and Insular Affairs subcommittee on parks, leading the anti-fee forces.

In the executive branch, successive administrations as represented by their budget bureaus have generally favored fees as a means of offsetting appropriations from general revenues. The budget office opposed Cramton's fee reduction plan and urged campground charges in the 192Os, requested the extended fee schedule a decade later, and moved forcefully for more and higher fees in the Carter and Reagan administrations. Political party affiliations have played no noticeable role in positions taken on the fee issue: Cramton, a Republican, and Burton, a Democrat, held parallel views, as did the Carterites and the Reaganites.

There has been a significant shift in the type of visitor fees favored over time. Although some pains were taken to define them as permits for the use of park roads and thus "user fees," the original automobile permits were de facto entrance fees for all coming to the parks by car--originally a minority, but soon the great majority. Fees for Government-operated campgrounds, ultimately the most widely employed user fees, were effectively prohibited in the parks between 1927 and 1965 and were not systematically instituted until 1970. This was curious, in that campsites were and are specific benefits given certain visitors to the exclusion of others for particular periods, and thus seemingly more susceptible to fees than parks as a whole. Today there is virtually no opposition to the principle of campground charges, and although some complaints have been heard about recent increases, Congress has made no move (since 1973) to halt or freeze camping fees. In general, these and other user fees for specific facilities are more politically palatable than entrance fees, there being greater reluctance to allow charges for mere entry to public property. The 1979 freeze on entrance fees has left user fees the only recourse for increasing revenues from the visiting public--an unfortunate development from the standpoint of income, in that entrance

fees are significantly more profitable.

How has the National Park Service stood on visitor fees? Outwardly, of course, it has had to reflect the views of the Interior Department, which reflects the views of the President, as represented by the Office of Management and Budget (formerly Bureau of the Budget). So the Service has always supported the fee concept--in public.

In reality, the Service has tended to regard fees at best as a necessary evil. After 1918, when fee receipts were taken from its control, placed in the general Treasury, and made subject to congressional appropriation, the Service would have gladly done without most fee collection had Congress and the executive allowed. Fee revenues equaled a generally decreasing portion of the Service's budget and so carried progressively little weight at budget justification time. Despite certain fringe benefits, collection was often a nuisance and seldom enhanced public relations.

The dedication or earmarking of visitor fees to the Land and Water Conservation Fund in 1965 insured that revenues would go to a cause supported by the Service, but not necessarily to the Service. Between 1972 and 1980 NPS revenues went to a special account for appropriation back to the Service--the closest the bureau would come to regaining control over its income. Even this did not generate much enthusiasm for fee collection, however. Notwithstanding disclaimers, the presence of fee receipts would inevitably prejudice administration budget requests and congressional appropriations from general revenues: money taken in through fees tended simply to offset money that would have been forthcoming otherwise. Unless the Service were allowed to retain and spend its income secretly--a political impossibility--there was no escaping this wholly natural tendency.

In its action on the Service's fiscal 1980 budget request, OMB attempted to provide a genuine incentive for fee collection: it slashed the amount requested and told the Service to make up the difference. Had Congress not reacted by freezing the entrance fees, that draconian tactic might have worked. Anything less appears unlikely to.

End of Chapter 7

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Visitor Fees in the National Park System:
A Legislative and Administrative History

A NOTE ON THE RESEARCH

As with the author's Assateague park history, a brief note on the research seemed more appropriate to this "model" program/activity history than a traditional bibliography repeating the sources already named in the footnotes.

The intense interest and involvement of Congress in park visitor fees over the years meant that the project would be as much a legislative history as an administrative history. (Congressional involvement extended even to such details as whether fee campgrounds should have showers--matters normally left to program administrators.) This necessitated heavy reliance on those indispensable tools of the Government historian: congressional, hearings, reports, and laws. For the author, these were most conveniently available in the main Interior Library and the Interior Law Library, the latter containing certain compilations of such material facilitating research. Recent draft legislation and related correspondence was found in James M. Lambe's Office of Legislation, where excellent files are maintained by Dorothy J. Whitehead.

The old annual reports of the Director of the National Park Service and the Secretary of the Interior, in the Interior Library, are almost always useful for administrative history. Those from 1914 through the 1930s included pertinent data on visitor fees, again proving their value. Other good library sources were the several studies and reports on the subject done by or under contract to the Government, from the 1962 Outdoor Recreation Resources Review Commission report to the 1982 report of the General Accounting Office.

The Ranger Activities and Protection Division under Charles A. Veitl is the NPS office now responsible for administering the visitor fee activity. That office's files, made available with the assistance of Richard J. Rambur , the current fee "keyman," contained informative correspondence by and with the field, Washington officials, other agencies, members of Congress, and the public.

A search at the outset for secondary works touching on fee history revealed only one: John Ise's Our National Park Policy; A Critical History (1961). Ise's book, largely devoted to other matters, was nevertheless helpful in dispelling the researcher's initial ignorance of the topic. The 1982 GAO report, not discovered until the end, contains a two-page historical summary leading up to the 1979 fee freeze.

Prepared under a deadline, this history does not purport to be an exhaustive treatment of park visitor fees (although some readers may find it exhausting). Research was limited to sources within the Interior Department, primarily within the Park Service. Congressional members and staff and outside groups with an interest in the topic were not

consulted. Such contacts would undoubtedly have been productive. Comments and contributions by informed reviewers discovering significant omissions in the fee saga are welcome.

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ANALYSIS OF THE NATIONAL PARK SERVICE RECREATION FEE SYSTEM

JUNE 1977

Prepared by
Office of Programming and Budget Policy Division

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