



**THE COALITION OF
NATIONAL PARK SERVICE
RETIREES**

Voices of Experience – Advocating Protection of America’s National Parks

TESTIMONY

**Before the Subcommittee on National Parks, Forests and Public Lands
Committee on Natural Resources
United States House of Representatives**

Paying to Play: Implementation of Fee Authority on Federal Lands

By

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Mr. Chairman and other distinguished Members of the Subcommittee, thank you for holding this hearing and thank you for inviting me to express my views, and the views of our Coalition of National Park Service Retirees on the important topic of fees in the National Park System. I retired eleven years ago from the National Park Service after a 32-year career, including serving the last nine years of that career as the Superintendent of Shenandoah National Park. I am now the Chair of the Executive Council of the Coalition of National Park Service Retirees.

The Coalition now consists of more than 650 individuals, all former employees of the National Park Service, with more joining us almost daily. Together we bring to this hearing over 19,500 years of accumulated experience. Many of us were senior leaders and many received awards for stewardship of our country’s natural and cultural resources. As rangers, executives, park managers, biologists, historians, interpreters, planners and specialists in other disciplines, we devoted our professional lives to maintaining and protecting the national parks for the benefit of all Americans – those now living and those yet to be born. In our personal lives we come from a broad spectrum of political affiliations and we count among our members six former Directors or Deputy Directors of the National Park Service, twenty-three former Regional Directors or Deputy Regional Directors, twenty-eight former Associate or Assistant Directors and over one hundred and fifty former Park Superintendents or Assistant Superintendents.

BACKGROUND:

In the last two decades, debate on fees in the National Park System has gradually moved away from whether there should be fees and towards a discussion of what those fees should be. There have been many recurring themes in this debate. Those who speak against fees call them a double tax on the public, with visitors to the parks paying fees on top of the taxes paid by the population at-large. The opposing argument is that park visitors derive an additional benefit from actually going to the park and should therefore pay some portion of the costs.

Fees in national parks have been in existence for a long time – since 1908, in fact (see Timeline in Appendix A). Because of that, it would be easy to continue to “take them for granted” and assume that they should be maintained, or even be expanded.

We don’t necessarily believe that to be in the best interests for the American people, nor for the National Park System. In fact, we believe that the current fee system and structure is out of control, complicated and inequitable.

We hope to raise some new thoughts about fees that this Subcommittee and other entities can consider as part of an entire process of preparing our National Park System to be managed in the best possible way as the National Park Service enters its second century eight years from now.

CURRENT CONCERNS ABOUT FEES

The Dilemma of Entrance Fees

Many arguments have been made against charging entrance (access) fees at public lands. One argument is that fees could have implications for public political support for conservation because fees introduce an exclusionary element to park visitation and those who cannot afford to pay could adopt a negative view of public lands. A similar view has also been presented by those who believe that public lands should be treated as pure public goods and therefore should be both non-exclusive and non-rival. They argue that charging fees goes against the very principles on which public lands were founded. They believe that parks, wildlife refuges, and the other public lands are an amenity that a civilized nation should provide to its citizens freely for all to enjoy.

Some suggest that a visit to a site with a low or no entrance fee might induce great respect. People may assign a significantly high value on the resource or experience if they reason that society has elected to subsidize it entirely because of its importance. Some of our most valued icons: the Liberty Bell and the Lincoln Memorial, for instance, are free to visitors. But providing something for free can open the door to a *moral hazard*. Some visitors won’t have a stake in the well being of the site. And lacking a barrier to participation (e.g. a fee), there is a chance that some visitors’ attitudes will lead to negative externalities. Conversely, there is a belief that if a fee is charged, visitors will perceive they have more freedom, ownership, privileges, or rights; leading some to believe they can do whatever they wish at the site, including the abuses such as graffiti, littering, and vandalism. Some believe that these abuses may increasingly occur because visitors aren’t paying for their use of a public facility; that is, “deadbeat” visitors will not be filtered out.

What we do know is that entrance fees in many NPS areas have escalated significantly in the past few years, and in a number of areas are now as high as \$25 per car, for those who don’t possess the interagency annual pass. We also know that there has been recent public opposition to this continuing escalation (e.g., in Yosemite National Park last year) and that earlier this year, the NPS Director issued a memorandum freezing entrance fees at the 2007 levels and not implementing any new entrance or expanded amenity fees in 2008 (with a few exceptions). The public is making its concerns about fees in national parks known.

The issue of whether or not there should be entrance fees to national parks is a philosophical one, but one which deserves public dialogue to resolve as we approach the Centennial of the National Park Service in 2016.

To the extent that entrance fees do exist, they are subject to many other considerations, some of which are expanded on below.

Fees Discriminate

Without a doubt, price discriminates. Offer something at no cost, and participation will rise (generally). Offer something at a high cost, and participation usually declines. So in principle, if you want to encourage participation, offer a low cost – or none at all. While an NPS study in 2001 showed that 80 percent of visitors believe that fees are priced correctly, other research argues that fees can moderate park use, usually in a negative way.

We believe it is possible that the current fee structure accounts, to some extent, for why visitation to national parks has declined slightly over the past decade. More worrisome is the high probability that low income citizens (especially minority populations and young families) are choosing not to visit parks or participate in certain activities (such as fee interpretation) in parks. Often these are the very citizens that would benefit most from increased education about America's heritage areas and the importance of protecting them and using them wisely.

Another example of fee discrimination is permits for "river running" in places like Grand Canyon National Park and Dinosaur National Monument. Permit fees for these places are burgeoning and in some cases are quite complex and complicated. Superintendents have resorted to these fees to "manage the river program" in these parks, in the absence of sufficient appropriations to do that job. There is no question that only the "well-heeled" can afford these experiences.

The Federal Lands Recreation Enhancement Act (FLREA) and the America the Beautiful Pass

FLREA created an interagency national pass called "America the Beautiful – the National Parks and Federal Recreational Lands Pass" (also known as the "America the Beautiful Pass" or simply "ATB") which covers Entrance and Standard Amenity Fees for all Federal recreational lands. Currently, the Annual Pass sells for \$80, but variations are available at a discounted rate. The ATB significantly increased the cost of the annual fee to visit national park units, with little or no more revenue coming to the national parks.

FLREA also contributes to recent political efforts to making the National Park Service more "homogeneous" with other federal land management agencies. It not only did away with the National Parks Pass, but it did away with the distinctive "free day" for visiting national parks – traditionally on August 25, the date the NPS was established – in favor of a free day on "public lands day." This has been yet another in the many political efforts evidently aimed at minimizing or diminishing the "specialness" of the National Park Service and System.

Fees Are Being Used More and More to Offset Reduced Appropriations

Despite the fact that there has been strong sentiment in the Congress that fees would augment, rather than replace appropriations, that sentiment has not been realized. Since 2002, the inflation-adjusted appropriations for the NPS have gone down by over 20%.

As public service as a category of civil society has been degraded, diluted, outsourced, and corporatized the National Park Service, starved of public funding, like most agencies and institutions of government these days, must either compromise its service to the public and its management and protection of its national treasures, natural and cultural, or it must offset these deficiencies with other sources of funding.

To try to "make ends meet," Superintendents have little choice but to rely more and more heavily on fees to meet operational obligations in parks.

More and more, Park Superintendents are being put in the uncomfortable and unacceptable position of having to "raise" money, through fees and private donations to keep even minimal park operations funded. The result is a steady (sometimes drastic) increase in fees and an increase in the types of fees collected in parks. As a consequence, fees are proliferating and visitors are being charged for activities, including interpretive programs that are mission-related programs. One of our members describes this problem:

Straightforward, accurate, and unbiased explanation of a park's resources, especially those constituting its reason for being, is fundamental to the NPS mission and one of the things that sets the NPS apart from other agencies. But why do we do it? It's not for entertainment, although it is no sin to make an interpretive presentation entertaining. We do it I think because we see a payback whereby visitors, once they understand the value and importance of park resources will treat them with greater respect and even pass on the information to friends and family after they've left the park. It is really the public face of resource protection. Placing a fee on such programs creates a disincentive to attend them and thus a hindrance to the National Park Service to carry out its mission while dividing visitors into "haves" and "have-nots," (or "informed" and "not

informed "). It would seem similar to sending kids to primary school, then charging them for places to sit in class. Placing fees on programs seems to me also to be a step towards entertainment and away from education. Once we begin charging fees for interpretive activities we have set the table for the private-sector entertainment gang to sit. When that happens, the market mentality can take over with "interpretive" programs that don't fill the seats being moved aside for programs that do and we drift away from talks on the geology of Grand Canyon to who knows? Maybe a musical comedy about Brighty of Bright Angel.

Another member raises a different problem:

The increasingly elaborate visitor centers and other developments – now almost always being funded at least in part by money from a "private partner" – in the name of interpretation (the latest extravaganza at Gettysburg being one of a string) not only keep the visitor out of the park in favor of NPS-provided entertainment in a building; but chasing every latest display and electronic fad is expensive, and so invites charging a fee.

The National Park Service Guideline (Director's Order #22) on Recreation Fees states (in Section 5.2): "Section 3(g) of PL 91-383 (16 USC 1a-2(g) allows parks to charge fees (known as 1a-2(g) fees) for products and services that are **directly related to the park's living exhibits and interpretive demonstrations.**" [Emphasis added.] Subsection "a" of that Section further states: "The 1a-2(g) authority may not be used to charge fees for core interpretive tours, including cave tours, historic home tours, and other programs that are not related to living history exhibits and interpretive demonstrations."

Yet some parks seem to be in violation of these guidelines. Examples:

- In Mesa Verde National Park (where there is a \$10 per car entrance fee), self-guided tours are offered free of charge in two of its cliff dwellings. Yet to tour three others, including the most famous and largest cliff dwelling in the world – Cliff Palace – you must go with a ranger-guided tour and pay \$3 per person.
- In Mammoth Cave National Park (where there is no entrance fee), fees ranging from \$5 to \$48 per person are charged for all cave tours.
- In Apostle Islands National Lakeshore, a minimum fee of \$3 to \$5 per person is charged for any interpretive program the park offers.

Certainly no one can dispute the fact that the archeological cliff dwellings in Mesa Verde and the cave in Mammoth Cave are the very purposes for which these parks were established; and therefore are central to the mission of those parks. Why should visitors have to pay fees to experience these core resources?

Aside from the fact that these fees evidently violate the NPS's own guidelines, in the cases of Mesa Verde and Apostle Islands (and others in the System) at least, the fees were initiated for one reason – to generate revenue to supplement the parks' diminishing operational budgets so they could hire additional rangers to protect the parks resources and provide for these tours.

Another concern arises over the fact that in some parks, concessioners are now providing interpretive programs. For example, in Yosemite National Park, a substantial number of the total interpretive programs given each day are those given by the park concessioner. Visitors must pay for these programs. There seems to be a corresponding reduction in the numbers of interpretive programs provided by the NPS in these areas.

Fee Revenue Inequity

Recalling that parks are allowed to keep 80 percent of the revenue they collect from Entrance Fees and Expanded Amenity Fees. The remaining 20 percent is deposited into a "Servicewide Pot." All units of the NPS compete for this "20 percent money." We believe this policy to be unjust to the public and the agency itself.

Equity should be a critical consideration in making fee and pricing decisions. A purely equitable system would empower all parks to establish, operate, and maintain (i.e. supply) public services and facilities at levels that match public consumption (i.e. demand). All else being equal, the opportunity available to Park 'A' to meet demand should be equitable to the opportunity available to Park 'B' to meet the same demand.

We are not arguing that every park should receive the same amount of money. Nor do we suggest that fee revenues should be prorated and distributed across the System. However, we *do* argue that an inequity occurs when a park's eligibility to compete for funding is restricted because of reasonably unavoidable physical or political barriers. Examples can help illustrate this concept:

- At Delaware Water Gap National Recreation Area, too many visitor access points make it infeasible to collect entrance fees.
- A deed restriction at Great Smoky Mountains National Park prohibits the collection of an entrance fee. This represents a reasonably unavoidable political barrier.
- The decision to forgo collecting fees at Palo Alto Battlefield National Historic Site has been made by NPS administrators because of managers' perception of limited amenities and desire to induce visitation.

Case-by-case, it is extremely challenging to determine if park managers have reasonable control over physical or political circumstances that would allow/prevent fee collection. Palo Alto provides an example where politics and geography are certainly factors that have contributed to this decision, but only in part. The National Park Service could institute a fee if it wanted to. This, however, is not necessarily true for all non-fee parks. Due to circumstances beyond the control of park management (circumstances which, one might argue, actually contribute to its national significance), such parks are hampered in their ability provide as secure and as robust funding that other fee-collecting parks can provide.

We cannot always judge if the political and physical barriers are reasonably unavoidable or not. We believe it is inequitable to implement a fixed "80/20 rule" based solely on the question of whether a park collects fees or not. Ideally, parks would lose the ability to compete for fee revenue as they increasingly (and voluntarily) opt out of fee collection.

Confusion and Conflicts

Parking fees - If you drive a car to Apostle Islands National Lakeshore, Gateway National Recreation Area, Christiansted National Historic Site, or certain other parks, you will have to be prepared to pay for parking – or will you? Some parks have designated parking fees as a type of entrance fee, meaning that owners of the America the Beautiful Pass (or other entrance pass) do not have to pay anything extra. But, other parks define them as Expanded Amenity Fees, so you would have to pay regardless of having a pass. Moreover, it's up to the park to decide if they will observe the 50 percent discount on Expanded Amenity Fees entitled to holders of the Senior Pass or Access Pass. To further complicate matters, many concession-operated facilities charge for parking. Should concessioners be expected to waive their parking fees for those having annual park entrance passes? Should they be required to offer the 50 percent discount for the Senior Pass or Access Pass? If so, why aren't concessioners required to accept these passes and discounts for their other services? Then again, is it fair for visitors to experience different parking fee rules at different parks?

An Example: Mount Rushmore National Memorial is prohibited by legislation from charging an entrance fee. But it's almost impossible to visit there without paying the \$10 "special use" parking fee. Because it is not an entrance fee, the America the Beautiful Pass, National Park Passes, Golden Eagle and Golden Age Passports are not accepted.

Transportation fees – currently there are ten parks charging transportation fees. These fees are customarily included in entrance fee prices. This approach of conjoining entrance and transportation fees has caused some conflict among decision-makers in the National Park Service. Technically, holders of the America the Beautiful or other annual passes are only exempt from paying entrance fees, not other fees. Should they pay the difference to cover the Transportation Fee amount? But if such passes are honored for both fees (as current NPS policy states), doesn't this provide a disincentive for parks to sell annual passes?

An example: visitors to Zion National Park purchasing a \$25 seven-day entrance pass are actually paying two fees: a Recreation Fee (park keeps 80 percent) and a Transportation Fee (park keeps 100 percent). Park managers decide year-by-year what percentage of the \$25 will be considered a Transportation Fee, earmarked exclusively to offset visitor transportation costs.

WHEN SHOULD THE NPS CHARGE FEES?

We believe that, protecting and providing for public enjoyment national parklands – at the basic level – is a public service in its purest form. To that end, it is neither fair nor desirable to charge a user fee to any individual or group for that basic service. Just as Americans deserve security of the homeland, citizens have a right to the preservation of their cultural and natural heritage. Likewise, to offer opportunities for resource protection and visitor enjoyment at minimally reasonable levels, it is necessary to provide basic infrastructures at no cost that support critical activity such as:

- essential access (e.g. roads, trails),
- essential human comfort (e.g. restrooms, shelter, water),
- essential visitor information and education (e.g. basic orientation, interpretive programs), and
- essential public safety services (e.g. safety education, law enforcement, emergency response).

Another absolute exists, as well. When visitors have weddings, parties, and other appropriate private events in parks; or provide authorized public services for profit, the participants receive exclusive benefit – a reflection of the classic definition of a private service. Therefore, we see the need for private beneficiaries to pay for the provision of such services in full.

Of course, the NPS often provides a variety of merit services that benefit both private individuals *and* society at the same time (and reasonably so). Therefore, park amenities not essential to basic resource protection and basic visitor enjoyment may warrant subsidy from individual users and the community alike. For example, non-essential amenities such as campgrounds, launch ramps and public showers are not critical to park management in absolute terms. Any unit of the National Park System lacking one or all of these features would, in fact, still be found to be in compliance with the Organic Act. It is logical to expect the National Park Service to provide these services and facilities in some parks; but logic also suggests that the burden of providing them should be shared between society and individual users.

SUMMARY

The issue of entrance (access) fees to units of the National Park System should receive national dialogue between now and the National Park Service Centennial in 2016.

Provisions of the Federal Lands Recreation Enhancement Act that lump the National Park System in with other “public land management agencies” should be rescinded.

Fees should never be allowed to discriminate against the involvement of low-income visitors to national parks.

Fees should not be charged for core mission-based interpretive programs in national parks.

Confusion and inconsistencies in the NPS fee program should be eliminated.

Above all else:

The Organic Act established a binding legal framework that mandates fundamental standards for the protection of the National Park System. Therefore, the use of base appropriations – as opposed to visitor-dependent revenue – should be the primary means of maintaining these units. Fees collected should not have to be collected to offset or reduce funding for national parks that should be made available through appropriation.

The chronic under-funding of the National Park Service is not now and has not been for past 50 years a matter of money — it is a matter of priorities! Let’s put the \$2.4 billion current budget into perspective. It amounts to less than 0.002% of the president’s 2009 proposed budget.

Let’s compare it to Department of Defense budget of \$550 billion.

- One B-2 bomber costs \$2 billion. Do you really think the American people would notice if this country's military industrial complex held one less bomber than it does today and that those funds were transferred to the National Park Service?
- The President and Congress took less than ten minutes to determine that the economy needed an economic stimulus package totaling \$150 billion. Do you think many would have complained if it had been \$148 billion? And the resulting \$2 billion saving had been given to the National Park Service?
- The NPS relies on the fee program – a program that generates \$150 million annually – as though it were a lifeline. No small figure, we grant you, but a figure that should be simply added annually by Congress to the Service's operating budget. Perspective: The **Osprey aircraft** developed by the United States Marine Corps cost \$110 million each! They are current being sent to Iraq even though military analysts believe they don't work as designed. Here's the punch line: several branches of the military are planning to purchase 400 of these flawed aircraft – at a total cost of \$44 billion!

It's not a matter of money; it's a matter of priorities.

Appendix A
History of Fees in the National Park System

- 1908 Mount Rainier begins issuing auto permits. Other sites, including Yellowstone and Yosemite, soon follow.
- 1917 Most fees for auto permits are abolished or greatly reduced.
- 1918 Congress mandates that all fee revenues will be deposited into the Treasury account.
- 1927 An amendment added to the 1928 Interior Appropriations bill would require the NPS to use a yearlong, all park auto permit costing two dollars. The amendment was ultimately removed.
- 1938 A fee prohibition is enacted at Mount Rushmore.
- 1939 Fee structures expand to include not only additional auto permit fees but some motorcycle permit fees, parking fees, and guide service fees.
- 1953 Pressure for parks to raise more revenue leads to higher fees and the sale of 15-day and annual passes to individual parks.
- 1965 Land and Water Conservation Act is enacted. The Golden Eagle pass is established.
- Prohibition on campground fees is abolished.
- 1968 Legislation is enacted to repeal uniform fee structure. This eliminates the Golden Eagle pass and allows each agency to establish individual fee structures. Repeal is extended to 1971.
- 1972 New congressionally mandated fee structure established. Entrance fees are allowed only at those NPS sites designated by DOI and at National Recreation Areas administered by USDA. The Golden Eagle pass is reinstated. The Golden Age Pass is established.
- 1974 The Forest Service stops charging entrance fees, leaving the National Park Service as the only agency charging them.
- 1977 NPS Director Whalen proposes changes in the system's fee structure for FY 1980 with the goal of establishing a more uniform fees.
- 1978 NPS begins charging fees on some visitor transportation systems.
- 1979 A freeze on all NPS entrance fees is enacted.
- 1981 Golden Access Pass is established. Fee revenues are deposited into the Land and Water Conservation Fund instead of the Treasury. Funds can only be expended for land acquisition and state planning and development grants.
- 1986 Higher entrance fees are enacted.
- 1996 Fee Demonstration Program begins.
- 2004 Federal Lands Recreation Enhancement Act is passed.

APPENDIX B
Fees in the National Park System

Generally, fees charged in units of the National Park System can be organized into four types:

Recreation Fees

The most common type of fees that visitors experience are **Recreation Fees** – those that are collected for things like entering a national park or going on a guided tour. The vast majority of Recreation Fees fall under the **Federal Lands Recreation Enhancement Act (FLREA)**, which authorizes four kinds (only three applicable to the NPS):

- **Entrance Fees**
- **Expanded Amenity Recreation Fees** – for the NPS, charged in addition to an Entrance Fee or by itself for specific or specialized visitor facilities, equipment, or services.
- **Special Recreation Permit Fees** – charged in connection with the issuance of permits for certain specialized recreation activities and events (not currently used by NPS).

Recreation Fees also include special **Interpretive Fees**, which are charged for services and products related to interpretive demonstrations and living history programs. Because the authority is found in 16 USC 1a-2(g), they are nicknamed “**1a-2(g) Fees**.” Canoe trips, night hikes, and cave tours sometimes constitute a 1a-2(g) fee.

Transportation Fees

Special Use Fees

Commercial Fees

APPENDIX C
Where Does the Fee Money Go?

The reason for – or perhaps the result of – having so many fee types allows revenues to be used in various ways, under various rules. Proceeds can remain in the park where they were collected, be deposited into a “Servicewide Pot” which any NPS unit can apply to use, or be allocated to the management and administration of NPS Fee Program Offices.

- **Entrance and Expanded Amenity Fee Revenue** – Park receives 80 percent; Servicewide Pot receives 20 percent (Unless the park collects less than \$500,000 in gross revenue, in which case the park keeps 100 percent).
- **America the Beautiful Pass Revenue** – Fee Program administration receives 10 percent; remaining balance shared between park (70 percent) and Servicewide Pot (30 percent).
- **Interpretive Fee Revenue** – Park receives 100 percent.
- **Transportation Fee Revenue** – Park receives 100 percent, but can only be used to recover the price of providing a transportation system.
- **Special Use Fee Revenue** – Park receives 100 percent, but can only be used to recover the cost of overseeing the special use.
- **Commercial Fee Revenue** – Park receives 100 percent, but can only be used to recover the cost of overseeing the commercial use.