

# A Walk in the Park: Fee or Free?

The propriety of charging recreational user fees on U.S. federal lands, particularly national parks, is highly debated at present. Yet it has always been a source of contention. "The historic debate ... has been between how much should users pay and how much should the general tax base pay" (Galvin 1997:18). This question is often expressed as two opposing viewpoints. One states that specific beneficiaries of parks can be identified, and therefore it is fairer to assess from them a greater responsibility for funding the parks. The other claims that parks benefit all of society, and that user fees are therefore unfair and counterproductive. Corollary arguments also arise, in part because user fees for public lands actually fundamentally change the nature of those public lands.

The general argument for the user fees is that more money is needed, and that out of fairness this money should come from recipients of benefits when it is possible to define specific recipients. Another general argument is that user fees encourage a better allocation of resources and enhance efficient government. In addition, supporters argue that fees reduce visitation, thereby alleviating overuse problems. Furthermore, fees reduce anti-social behavior and encourage respect for the parks because people are more likely to value that for which they must pay.

Fairness in the collection of revenue is a fundamental purpose for user fees. In the 1950s and 1960s legislation was enacted specifying guidelines for the assessment of fees, to wit: "[F]ees should be fair ... they should be based on the cost to the government of providing the service; the value of benefits to the recipient;

public policy, and 'other relevant facts'" (Gillette 1988:20). These loosely written guidelines required clarification, at least in regard to recreational fees. The clarification came through several subsequent congressional acts. Consistent efforts were made to authorize recreational fees specifically when there were identifiable, isolated groups of consumers, in accordance with recommendations:

Public agencies should adopt a system of user fees designed to recapture a least a significant portion of the operation and maintenance costs of providing outdoor recreation activities that involve the exclusive use of a facility, or require special facilities (Mackintosh 1987).

Despite subsequent authorization, however, there were few increases in fee revenues. This changed last year,

with the implementation of the Recreational Fee Demonstration Program (RFDP). The RFDP specifies that a significant portion of fee revenue collected under the program is returned to the collecting agency, to be used for maintenance and other purposes. This legislation is different because it provides revenue enhancement as an incentive for administrators to charge fees, while cultivating public favor by specifying maintenance at the collecting site as a purpose of revenue collection. Many new fee programs have resulted.

The RFDP fees apply to a much broader range of services than previous fees, including backcountry use. Such collection is just and proper, proponents argue, because the additional burden on resources imposed by visitors ought to be paid for by the visitors. In fact, the failure to charge a user fee for visitation effectively distributes the cost of visitation across the entire tax base. This burdens those who do not visit the parks, without regard to their ability or inability to pay. So, proponents argue that not only are user fees more just, but their absence is actually an injustice. Those who use parks are those with leisure time and money. They should pay for the additional burdens imposed by their use.

Another argument is that user fees encourage administrative efficiency and better allocation of resources—essentially, better government. User fees attach economic values to specific services, and since an agency's funding is at least in part dependent

on the fees, the agency will respond positively to public demand. The agency will allocate resources to the services that command the highest price, and will do so in an efficient manner, because its fiscal health is partly dependent on that efficiency. "One of the strongest arguments that a government program is worthwhile occurs when it has a user fee, and the user fee covers the cost" (Miller 1988:38). Furthermore, the presence of a fee enhances "allocative efficiency by ensuring that those who desire governmental resources use only as much of those resources as they are willing to pay for" (Gillette 1988:19). Essentially, this argument states that public availability of government services, without user fees, creates an artificial situation in which the allocation of burdens and resources becomes an arduous administrative task. The assessment of user fees, which impose charges commensurate with value, introduces the invisible hand of the market economy. This mechanism simplifies administration, thereby increasing efficiency.

Another benefit commonly proclaimed on behalf of user fees is the reduction of visitation. Fees, the argument goes, reduce visitation because they limit usage to those who are willing to pay. This serves the dual purpose of enhancing the park experience by reducing overcrowding, while encouraging preservation and conservation in areas that are threatened by overuse.

Finally, it is argued that user fees bestow respect upon the resource.

Quite simply, one is less likely to take a service for granted when one has paid for the service. This respect is befitting an important part of our heritage that combines scenic wonder with environmental and cultural preservation, interpretation, and conservation. It also decreases the likelihood of lawlessness and tomfoolery. Finally, it helps to further the interests of the National Park Service because people are more likely to respond positively to impending legislation and other matters which may effect the agency.

To summarize, then, the primary advantage of recreational user fees is that they are the fairest source of revenue. Furthermore, they improve the efficiency and responsiveness of the Park Service by introducing a context of market economy. In addition they alleviate problems with overcrowding. Finally, it is argued that fees increase public appreciation of the parks.

These arguments bring up several valid points. Parks need revenue, and a device that collects revenues while bestowing additional advantages is indeed worthy of consideration. "Lack of adequate funds for outdoor recreation is a common problem around the country" (Wettstone 1963:6). However, opponents of the fees argue that recreational user fees are not appropriate in the context of federal public lands, especially parks.

Generally, opponents argue that it is not possible to isolate a specific user base, but rather that all of society benefits from the parks. They also ar-

gue that it is too impractical to quantitatively correlate costs and burdens and establish a workable formula for the determination of fees. Such difficulties, they further claim, when coupled with the precedent of fee collection, will have the result of rapidly and irreversibly accelerating fees beyond acceptable limits. Additionally, they claim that nobody should be excluded from using parks on the basis of income, and user fees invariably exclude some percentage of potential users. It is also argued that it is precisely the absence of conventions such as user fees which gives some parks their distinctive value. Finally, opponents claim that overcrowding is controllable with devices more appropriate than user fees.

The argument that parks benefit all of society has two facets. One concerns the preservation and conservation functions of national parks. The other asserts that the recreational opportunities provided by parks generally benefit society as a whole. The purpose of the Park Service as defined in its Organic Act of 1916, and as reaffirmed in later legislation, is to "conserve the scenery and the natural and historic objects and the wild life therein and to provide for the enjoyment of the same in such manner and by such means as will leave them unimpaired for the enjoyment of future generations" (16 U.S. Code 1). Conservation and preservation benefit all of society rather than specific users, it is argued, because conservation and preservation are not uses, but practices or policies. Further-

more, the stipulation that parks must provide for future generations explicitly confers benefits upon future generations.

The second facet of this argument pertains to the capacity for enjoyment. Some fee opponents claim that the recreational opportunities created by parks benefit society as a whole. They claim that everybody benefits simply by having the opportunity for recreation, regardless of whether or not they use that opportunity. Having the option is itself a benefit. Furthermore, those who take advantage of the opportunities develop qualities that are socially desirable, thereby improving the community as a whole. This is a somewhat intangible argument, but it can be clarified by comparison with parks that are not part of the National Park System. Baseball diamonds are a good example. Baseball diamonds do not provide conservation or preservation. They are usually frequented only by a small percentage of the community. However, they are usually free. The presence of the diamond, and its use by limited numbers of community members, still enhances the community as a whole.

Further complicating matters, fee opponents argue, is the extreme difficulty of deciding how to formulate fees that accurately correlate benefits conferred with additional costs imposed. So, it is not only difficult to determine the relative degree to which a specific use benefits society as a whole versus isolated beneficiaries, it is also a challenge to determine

precisely how the increased burden caused by that particular use is distributed through the system. Even further complicating matters, opponents argue, is the wide discrepancy between the economic value of a use and the actual cost of providing the use. The end result, fee opponents argue, is a virtually unresolvable administrative and moral quandary. It is best to clarify with a hypothetical example. Participation in an interpretive walk led by a naturalist consumes resources that are not consumed by others who do not go on the walk. This would seem to imply a clearly isolated beneficiary, and therefore a situation in which a use fee is appropriate. However, the interpretive walk bestows a bit of education and perhaps even wonder, which is likely to increase the participant's understanding of and appreciation for the resource the Park was created to protect.

This is a positive affirmation, and it benefits society as a whole. With backcountry use, on the other hand, a visitor may hike into a remote area and never make use of a trail or any other developed resource. It is likely that such a visitor would never encounter a ranger or other park employee. The degree to which this use benefits the rest of society is still difficult, if not impossible, to quantify. Moreover, in this example there is a wide discrepancy between the value of the resource as commanded by the marketplace, and the cost of providing the resource, since no specific services are directly utilized. The dif-

ficulty of generating a satisfactory formula, through which user fees can be calculated, is demonstrated in the shifting history of policy regarding the fees.

Backcountry use is clearly a situation that, before the RFDP, did not meet guidelines for the imposition of fees. For example, the Park Service in its 1988 management policies proclaimed: "Basic services will be available to all visitors free of charge. These services include protection, information and orientation, and interpretation to foster an understanding and appreciation of each park's resources..." (National Park Service 1988:87). Whether or not the interpretive walk ought to be free according to this standard is itself subject to interpretation; however, backcountry use clearly does not justify a user fee under this policy. Likewise, the vast majority of other guidelines and recommendations specify that use which does not take advantage of developed resources should be available to all, free of charge. This precept dates back at least to the time of the Outdoor Recreation Resources Review Commission (active in the late 1950s and early 1960s), for whom the distinction was critical: "The keynote of the commission's recommendations is that user charges are not meant to hinder the use and enjoyment of the basic outdoor recreational opportunities for people who desire merely to commune with nature and wildlife" (Wettstone 1963:7). Although precise articulation of how the mere existence of

wilderness as a recreational opportunity benefits society at large is lacking, the importance of free availability of this opportunity is a long-standing tradition. The RFDP is setting a precedent in breaking that tradition.

Fee opponents further argue that as the impracticality of determining formulas for user fees becomes increasingly manifest, the eventual outcome will be a total reliance on fees for funding. They argue that any effort to base fees on a critical evaluation correlating costs and benefits will ultimately collapse under the weight of its own administrative overhead. The next logical step will be a complete reliance on fees for all funding, they argue, because the administrative and operational devices for such collection will already exist. Therefore the marginal cost for dismantling such fees will be higher than the marginal cost for simply increasing them. The end result, fee opponents claim, is a system of fees which are much more expensive than anyone is envisioning now. In essence, then, fee opponents claim that once fees are widely implemented, they will rapidly accelerate to levels which are beyond what is considered acceptable even to fee supporters, but which would be very difficult to reverse.

Notwithstanding the various difficulties inherent in actually assessing user fees, some opponents argue the fees are not compatible with public parks because they exclude on the basis of income. Although fees may exclude a percentage of potential users so small that it appears trivial, it

is nonetheless the case that someone will be unable to pay the fee, and will not visit the Park because of inability to pay. Furthermore, even those who can afford to pay will visit less often because they cannot afford to pay multiple times. Some fee supporters claim the fees are too insignificant to exclude anyone. This claim is a patent contradiction to arguments that fees are good because they reduce overcrowding. The vast majority of fee guidelines state that fees should not preclude use. Indeed, it is tragic when a family of modest means cannot go for a walk in the woods because they are priced out. However, to claim that a system of mandatory fees may be implemented which does not exclude on the basis of income, is to fundamentally contradict the nature of user fees. One of the distinct qualities of user fees is that they encourage "allocative efficiency" by ensuring only those willing to pay consume the resources. Although a system of waivers may be applied to theoretically eliminate such exclusion, the waivers will further increase administrative burden while eliminating some of the key benefits of fees: allocative efficiency is dependent on the enforcement of fees, and waived fees require additional overhead but do not bring in revenue. Furthermore the process of applying for a waiver is stigmatizing. Stigmatization diminishes the positive nature of the Park experience.

Stigmatizing waivers are only an additional negative impact if it is true, as some fee opponents argue, that fees

themselves negatively alter the experience of using the Park. Thoreau, Emerson, and others are well-known for proclaiming the importance of nature as a setting for self-discovery, illumination, and even spiritual revelation. The symbolic restriction of this space endangers the transcendental viability of the space. It is the lack of clumsy conventions, such as user fees, which makes some parks valuable as a source of spiritual nourishment and emotional health. The importance of this argument, however, potentially extends beyond the experience of the Park visitor.

Some argue that the presence of open space within a society is essential to the health of that society. Just like fine architecture embodies space as part of structure, so too a society is imperiled if there is no room for solitude. Solitude implies more than quiet in a busy place. It is the experience of being in a place that is not ruled by the law of humans, but rather by the wild of nature. As society becomes more crowded, and true wilderness comes to an end, the importance of symbolic wilderness created through the architecture of legislation becomes even more tantamount.

Open space that is natural wilderness is also a cultural void, providing the absence of encultured social context and the tribulations of socially constructed day-to-day living. This encourages perspicacity and a temporary, socially acceptable outlet. As such it is an invaluable social resource. The U.S. National Park Sys-

tem is a particularly apropos manifestation of this argument. American land was itself an alternative provided by nature, that provided refuge from the religious persecution of European ancestors. Of course the space was in fact occupied, and the lack of cultural respect paid to Native Americans upon the arrival of the settlers was a tragedy, an understanding of which the National Park Service is helping to foster through its programs of cultural interpretation and preservation. Nonetheless, the primary significance of the New World to the first settlers as they arrived was as a better alternative to their existing lives and restricted religious freedom. The continent is explored now, and in reality there is no more terra incognita, but this only heightens the importance of creating wilderness space through planned legislation. We can still preserve the wonder of nature untouched by humans and the spiritual benefits such wilderness can provide. Thinkers such as Rousseau knew the importance of solitude in meaningful contrast with social order. In *The Social Contract*, Rousseau explored the reasons people come together to form societies. The implication, of course, is that some alternative exists. There is no alternative. Yet parks can function as a symbolic wilderness, into which the socially constructed architecture of obligations and pedigrees does not extend. While parks are structures within our society, they serve various purposes, and one of those purposes is the provision of space. However one prefers to think

of it—"getting away from it all," spiritual communion, enjoyment of nature—by preserving a window into a wilderness that is bigger than humanity, we are in fact preserving our own humanity. To appropriate this space and reduce it to a commodity, fee opponents claim, is to close the window and harm one of our most valuable opportunities for learning more about ourselves.

Furthermore, fee opponents argue that overcrowding is also destructive of that experience, but that solutions better than user fees are available to alleviate the problem. They claim that it is not necessary to exclude on the basis of income. Numerous solutions such as quotas and mandatory reservation systems are already in place. While these systems also reduce the wilderness feel of the park experience, they are a more equitable solution to overcrowding than user fees.

So, opponents of recreational user fees on public lands argue that fees are improper because preservation and conservation, as well as the recreational opportunities provided by parks, benefit all of society. They also argue that it is too impractical to administer user fees fairly, because the complexity of the factors involved precludes a formulation which accurately correlates benefits and costs. In addition, they argue that once fees become widespread, they will rapidly increase to levels the public would find unacceptable but difficult to reverse. Furthermore, fee opponents argue that the absence of social con-

ventions such as fees helps give parks their value, both to individuals and society as a whole. Finally, they claim that user fees are inappropriate because fees limit access on the basis of income, and other methods are available which do not.

The debate concerning recreational user fees for parklands involves several complex lines of argument. The key issue, whether parks ought to be funded from the general

tax base or through user fees, is difficult to mediate because compromises tend to be fundamentally incompatible with either one position or the other. These funding issues affect the basic character of the parklands in a manner that is difficult to reverse, if the claims of fee opponents are to be believed. Therefore, a closer examination and a more premeditated course of action may be in order.

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