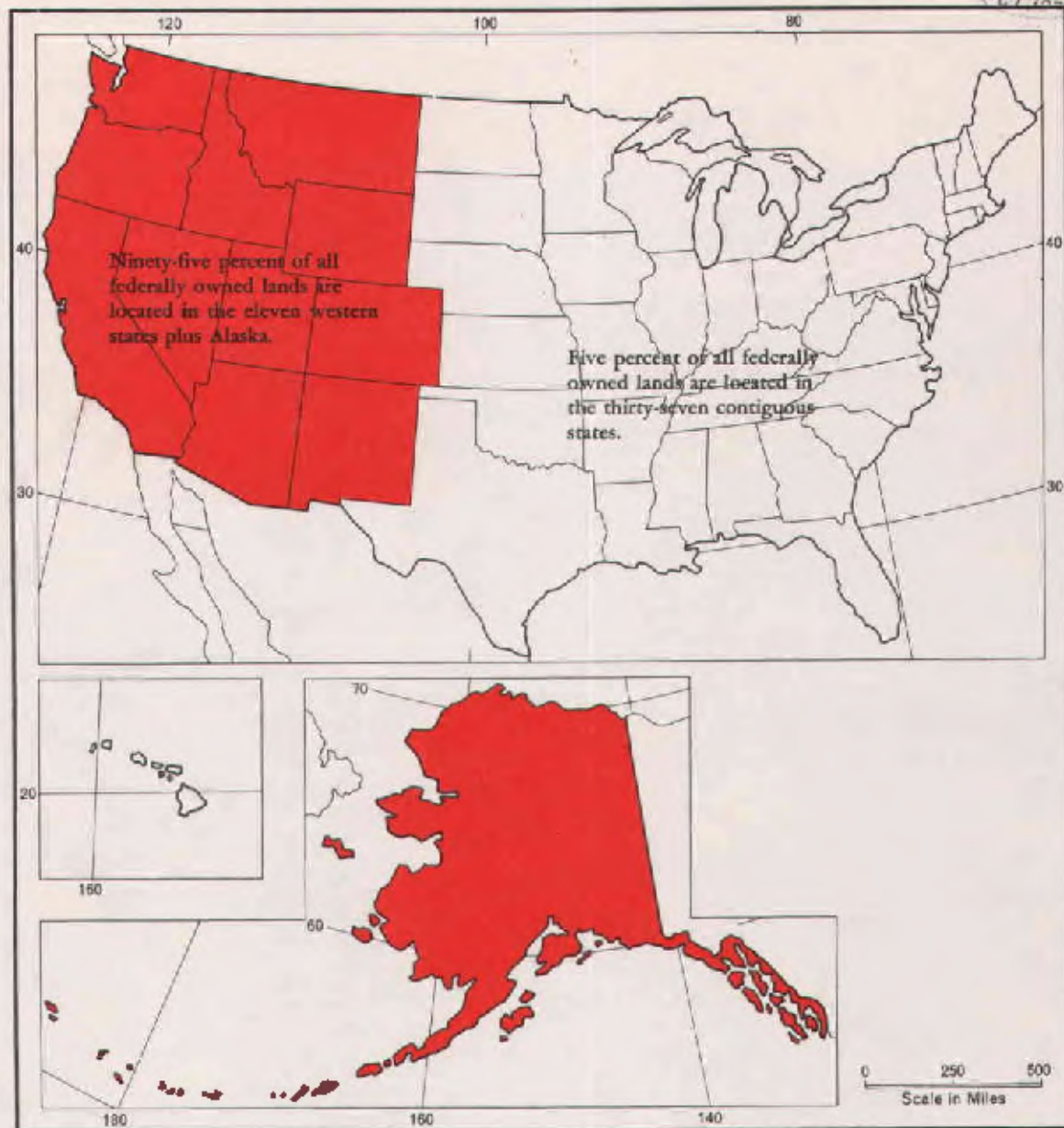


Outdoor Recreation

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The Public Land Law Commission Report and Its Importance to Oregon

Cooperative Extension Service • Oregon State University, Corvallis
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PREFACE

This informational paper is one of a series of papers which is a follow-up to "The Public Land Law Review Commission Report and Its Importance to Oregon," Special Report 328, June, 1971. The Public Land Law Review Commission was established in September, 1964, to make recommendations to the President and Congress concerning administrative and legislative actions dealing with retention, management, or disposition of federally owned lands. The Commission published its report, "One Third of Our Nation's Land," in June, 1970.

BACKGROUND

Oregon Outdoor Recreation (1) reported that "The future of Oregon recreation depends in large measure on the federal government." With this in mind and with the knowledge that over 50 percent of the State of Oregon is in federal ownership, the report of the Public Land Law Review Commission is of particular importance to Oregonians.

Few outdoor recreationists, residents, or visitors to the state escape the direct or indirect influence of Oregon's federal land. These lands contribute much to Oregon's wealth and livability, hence the Public Land Law Review Commission Report should merit one's attention and concern.

We are presenting an abstract of the major outdoor recreation considerations listed in the Report. The implications are numerous and will vary in importance from reader to reader . . . but they are important.

The report of the Outdoor Recreation Resources Review Commission (ORRRC) in 1962 laid the foundation for a comprehensive national outdoor recreation policy (2). The Commission suggested a policy framework based primarily on a division of responsibilities among local government, the states, and the federal government for supporting and furnishing the vast increases in various outdoor recreation opportunities sought by the American people.

The Public Land Law Review Commission (PLLRC) has attempted to build on, not duplicate, the work of that commission (ORRRC) and encourages full implementation of the ORRRC recommendations.

The PLLRC's principal efforts have been devoted to an examination of the policies and practices related to the newly emerged intergovernmental division of responsibility for outdoor recreation. Generally, the public lands with which they are concerned fall into two categories in this respect.

The public lands in national parks, monuments, seashores, scenic and wild rivers, and wilderness areas appear to be within the defined federal role category suggested by ORRRC. Their efforts with respect to these kinds of lands were directed at examining management policies and associated issues.

The remaining 722 million acres of public lands are in the national forests, the wildlife refuge and game range system, and in unappropriated, unreserved areas administered by the Bureau of Land Management. Although specific recreation development policies for these lands are not well defined by statute, many administrative policies and on-going programs provide for their recreation development and use. It is this class of federal public lands that the PLLRC has examined in the intergovernmental framework of national policy.

(1) "Oregon Outdoor Recreation—A Study of Non-Urban Parks and Recreation," Oregon State Highway Department, Salem, OR, June 1962.

(2) Outdoor Recreation Resources Review Commission. Outdoor Recreation for Americans (1962).

RECOMMENDATIONS OF COMMISSION

The recommendations and explanatory comments of the PLLRC are as follows:

Inventory of Unique Areas

An immediate effort should be undertaken to identify and protect those unique areas of national significance that exist on the public lands.

PLLRC Comments: We believe a comprehensive inventory of public lands, to identify all such areas, should be conducted as soon as possible, and that they should be assigned a priority for protection pending designation under established procedures.

State and Local Needs

Recreation policies and programs on those public lands of less than national significance should be designed to meet needs identified by statewide recreation plans.

PLLRC Comments: Public land areas of less than national significance identified by a statewide recreation plan as being necessary to satisfy state or local intensive recreation needs should be leased or transferred to the appropriate level of government for such purposes, unless overriding resource values require that they be retained and used for other than recreation purposes.

In those instances where state and local governments cannot or will not accept a transfer or lease of the recreation area, we recommend that federal land management agencies develop and manage intensive use oriented recreation opportunities, even though primarily of local, state, or regional significance, on public lands administered under general multiple-use policy if: (1) such development is called for by a pre-existing statewide plan; and (2) as a general rule, the state or a local unit of government shares in the cost of development and administration of the area on an equitable basis. However, as indicated above, there will be instances where public use will require, and we recommend, installation at federal expense of those minimal facilities needed to protect the area and regularize use even if local and state governments do not share in the costs.

Our basic recommendation to transfer or lease lands to units of state and local government is consistent with the existing Recreation and Public Purposes Act. We recommend that this basic policy be applicable to all classes of federally owned land, including lands in the National Forest System, both public domain and acquired, and to lands declared surplus to the needs of the United States, whether they are acquired or public domain lands.

Lease or transfer of public lands to states or local governments in conformance with an approved statewide recreation plan should be at a price reasonable for the public recreation purposes the lands are to serve, which would be less than fair-market value.

Lands transferred for recreation use should be subject, during a limited period, to as federal right to require return of the land if it is used for a purpose other than that for which it was transferred.

Emphasis on the federal recreation management of those public lands not classified a nationally significant should be placed on dispersed types of outdoor recreation requiring only minimum land development and supervision and few facilities.

Public lands administered under general policies of multiple use should be made available at nominal cost to private, non-profit groups for outdoor recreation purposes.

Bureau of Outdoor Recreation

The Bureau of Outdoor Recreation should be directed to review, and empowered to disapprove, recreation proposals for public lands administered under general multiple-use policy if they are not in general conformity with statewide recreation plans.

PLLRC Comments: We recommend that general use fees should not be designed to recover all costs of providing outdoor recreation opportunities on the public lands. The general land use fee should, at the outset, be minimal (\$1.00-\$3.00) to assure that it is not discriminatory and to simplify its admin-

istration. We believe the revenue from such a modest fee would greatly exceed that under the present Golden Eagle.

The charging of entrance and road use fees should be discontinued when the annual outdoor recreation use permit is adopted.

We recommend further that in addition to the general use fee, fees should be collected for the use of developed recreation areas constructed at federal cost.

We recommend that a penalty be imposed for failure of a recreation user to have the permit in his possession on the public lands.

Conflicts Over Uses

Statutory guidelines should be established for resolving and minimizing conflicts among recreation uses and between outdoor recreation and other uses of public lands.

PLLRC Comments: All nonconforming uses in national parks, monuments, and historic sites should be prohibited by statute. Mining, logging, overhead power line construction, high-speed highways, and industrial plants are an open invitation to conflict. We recommend that Congress enact a general statute enumerating the types of uses and activities prohibited in all such areas now in existence or to be created in the future.

Congress should authorize and provide guidelines for the restricted use zoning of multiple use public lands to protect scenic values.

Areas requiring intensive development and high rates of capital investment should be designated recreation dominant use zones.

Public land sites with high quality outdoor recreation potential should be inventoried and classified in advance of development. Recreation use values should be given primary consideration in permitting future uses of the site resources and the nearby area.

A policy of recreation site relocation should be adopted to permit more flexibility in the resolution of conflicts between recreation and other resource uses.

The values for which national parks and wilderness areas have been set aside should not be destroyed by an overuse for intensive outdoor recreation purposes.

Recreation use should be regulated to minimize conflicts with the carrying capacity of parks and wilderness areas, policies should be adopted now to assure adequate control over visitor use.

Public Accommodations

The federal role in assuming responsibility for public accommodations in areas of national significance should be expanded. The federal government should, in some instances, finance and construct adequate facilities with operation and maintenance left to concessioners. The security of investment afforded National Park Service concessioners by the Concessioner Act of 1965 (3) should be extended to concessioners operating under comparable conditions elsewhere on the federal public lands.

PLLRC Comments: A range of services should be available to the public. The federal government should finance and build public accommodations in areas that do not attract private capital and lease them to private concessioners.

Increased emphasis and special attention should be directed to the credit requirements of federal concessioners.

Concession privileges should be priced so that rates charged the public for concession services can be kept at a reasonable level, and quality service to the public can be sustained.

Development in Multiple Use Areas

Private enterprise should be encouraged to play a greater role in the development and management of intensive recreation use areas on those public lands not designated by statute for concessioner development.

PLLRC Comments: Whether it is because the land is not designated in a statewide plan or for some other reason that the state and local government cannot accomplish transfer or lease, we recommend as a corollary policy, state and local government should be afforded a priority in the award of concession contracts for commercial-type intensive recreation developments of all types on multiple-use public lands.

Standards that qualify an area for a national park or a wilderness area should be refined.

The Bureau of Outdoor Recreation should be required to develop and submit to Congress within two years standards for evaluating and investing in outdoor recreation development on public lands.

Access

Congress should authorize a program for acquiring and developing reasonable rights-of-way across private lands to provide a more extensive system of access for outdoor recreation and other uses of public lands.

PLLRC Comments: Land administering agencies should have statutory authority to require that public land lessees and permittees grant reciprocal public right-of-way across private land under certain circumstances.

Land Acquisitions

The direct federal acquisition of land for recreation purposes should be restricted primarily to support the federal role in acquiring and preserving areas of unique national significance; acquisitions or additions to federal multiple use lands for recreation purposes should be limited to inholdings only.

PLLRC Comments: We recommend that additions to these multiple-use lands by direct acquisition for recreation use should be confined to inholdings or boundary adjustments to facilitate resource oriented recreation use of the federal public lands.

Land and Water Conservation Fund

The Land and Water Conservation Fund Act should be amended to improve financing of public land outdoor recreation programs. During the interim period until the recreation land use fee we recommend is adopted, the Golden Eagle Program should be continued. After essential acquisitions have been completed, the Land and Water Conservation Fund should be available for development of federal public land areas.

PLLRC Comments: Finally, we recommend that access to the Land and Water Conservation Fund should not be limited to particular land management agencies having responsibility for outdoor recreation activities. Specifically, for example, we recommend that Bureau of Land Management outdoor recreation programs should be considered eligible on the same basis as other recreation programs for participation in the Land and Water Conservation Fund.

CONCLUSION

A Course of Action

Perhaps the one segment of the Public Land Law Review Commission report in need of strengthening deals with a course of action. Oregon's 1962 study (4) makes several recommendations that overlap somewhat, but imply action and are presented in this abstract for general information purposes. These selected recommendations are:

- The federal government should be urged to continue study of recreational demands and potentials on federal lands. . . . Recommendations for individual projects should be made to the federal agencies when necessary by those interested.
- Areas of primary recreational significance within federal lands should be appropriately developed or reserved for recreation by the federal government.

(4) "Oregon Outdoor Recreation—A Study of Non-Urban Parks and Recreation," Oregon State Highway Department, Salem, Oregon, June 1962.

(3) 16 U.S.C. 20-20g (Supp. V, 1970).

- "Congress should be vigorously urged, in all ways possible, to provide the federal agencies in Oregon with the necessary authorization and funds to carry out their responsibilities to Oregon Recreational Development."

A National Policy

Federal policies and programs affect every phase of outdoor recreation in Oregon. The recreationist benefits directly from hundreds of acres of national parks, national forests, and other public lands and waters.

The Outdoor Recreation Resource Review Commission in the 1962 reports recommended a National Outdoor Recreation Policy that should remain paramount in the management of our public lands. The recommended Policy is as follows:

"It should be the national policy, through the conservation and wise use of resources, to preserve, develop, and make accessible to all American people such quality and quantity of outdoor recreation as will be necessary and desirable for individual enjoyment and to assure the physical, cultural, and spiritual benefits of outdoor recreation."

The implementation of this policy will require the cooperation and participation of all levels of government and private enterprise. In some respects, the government responsibility is greater; in others, private initiative is better equipped to do the job.

Outdoor Recreation Growing in Importance

Around 90 percent of all Americans participate in some form of outdoor recreation. It is anticipated that by 1976 the total aggregate participation will exceed 6.9 billion, and by the year 2000 it will be 12.4 billion . . . a three-fold increase over 1960 participation.

Public lands will continue to feel this growing recreation pressure.

Effective Acres A Must

Across the country considerable land is now available for outdoor recreation but does not effectively meet the need.

Over a quarter billion acres are public-designated outdoor recreation areas. However, either the location of the land or restrictive management policies, or both, greatly reduce the effectiveness of the recreation use by the bulk of the population . . . The problem is not one of total acres but of effective acres.

Multiple-Use A Must

Outdoor recreation is often compatible with other resource uses.

Fortunately, recreation need not be the exclusive use of an area, particularly the larger ones. Recreation can be another use in a development primarily managed for a different purpose, and it therefore should be considered in many kinds of planning—such as water resource development, forest management, and range management.

This does not mean that all the acreage will be devoted to recreation or even that a very high percentage of it need be

devoted to recreation purposes. However, it does indicate that multiple use becomes more and more important. We must not lose sight of the fact that the capacity of a resource to serve recreation needs is a more accurate measure of supply than acreage. For some activities large numbers of acres are essential, but for most it is not the number of acres but how they are managed that is important.

Management Guidelines Essential

The absence of commonly accepted guidelines for the management of recreation areas under the jurisdiction of different federal agencies has accounted for considerable confusion in recreation development. While each federal agency must continue to take responsibility for shaping its own programs and practices, there are a number of general management policies that must be clarified and, to some degree, standardized.

It should be emphasized that while clarification and standardization may result in some changes in management policies and practices, it need not result in changes of present jurisdiction or responsibilities among federal agencies. The agency charged with the administration of a unit of land would continue, in accordance with the governing legislation, to perform whatever management functions are appropriate to the various recreation resources identified.

There is a very real limitation on what can be done to adjust the imbalance between where the resources are located and where the people and growing demands are. In some respects, the location of outdoor recreation resources is a constant factor that cannot be changed. The most promising means to bring about a balance is management policy, which in many cases may be as much a determinant of supply as acres. This means management in the very broad sense. It includes legislative and administrative decisions as to how public resources should be used and decisions on private investments.

Management decisions can increase the supply of outdoor recreation resources without an increase in acreage. If a given area is transferred from low-density use emphasizing natural environment to high-density use emphasizing facilities, more recreation opportunities are made available. At the same time, intelligent concentration of use in this way can protect other natural environments by diverting mass pressures from them.

This is not to imply that high-density use is necessarily desirable, but only to point out that it can serve more people. In this process, however, the nature of the recreation experience may be affected. A balance of all types of opportunities should be offered, and administrative decisions can manage this balance to meet changing needs.

Outdoor Recreation Makes Economic Sense

Although the chief reason for providing outdoor recreation is the broad social and individual benefits it produces, it also brings about desirable economic effects. Its provision enhances community values by creating a better place to live and increasing land values. In some under-developed areas, it can be a mainstay of the local economy. And it is a basis for big business as the millions and millions of people seeking the outdoors generate an estimated \$200 billion a year market for goods and services.