

COMPETING DEFINITIONS: A PUBLIC POLICY ANALYSIS OF THE FEDERAL RECREATIONAL FEE DEMONSTRATION PROGRAM¹

Thomas A. E. More
College of Wooster
Wooster, OH 44691

Abstract: Problem definition theory specifies that however controls the definition of a problem is in a unique position to control debate over the issue, influence others, and determine the problem's place on the agenda. This paper uses a rhetorical analysis and a questionnaire survey of congressional aides to examine the federal Recreational Fee Demonstration Program. Results suggest that 3 groups--agencies, environmental organizations, and industry groups--are competing for control of this problem. The questionnaire results suggest that the congressional aides are not strongly committed to any particular ideological position, so that the problem definition remains unresolved.

Introduction

As a rider amendment to the Omnibus Consolidated Rescissions Act of 1996 (P.L. 104-134), section 315 authorized the four major federal land management agencies (Bureau of Land Management, National Park Service, Fish and Wildlife Service, and the U.S.D.A. Forest Service) to begin testing a pilot program designed to charge entrance fees for public recreation at designated sites. Its official title was the Recreational Fee Demonstration Program, and since its inception it has inspired great controversy. Battle lines have been drawn, with groups both supporting and opposing the program. Although largely invisible to the general public, the debate has been furious, opposition has been growing, and the program has frequently inspired acts of civil disobedience.

Proponents of the fee program argue that fees are a management tool that can help recover costs, generate revenue, promote efficiency by controlling overuse at popular sites, maintain better safety standards, and reduce private-sector competition. Opponents argue primarily from a rights perspective and an equity position suggesting that everyone has a right to use and enjoy public lands, that fees restrict use by low-income citizens, constitute double taxation, are inconsistently administered (different sites have different costs), and are intrusive within the context of freedom and leisure.

Most previous research on the fee issue has concentrated on two primary groups: those who use public facilities and

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parcs and/or park administrators/managers responsible for operation of the program at that site. To date, no study has applied a strict political science perspective to the issue, nor has any study examined the attitudes and opinions of legislative aides who advise elected officials about the program. In this paper, I present the results of a study that examined the attitudes of legislative aides within the context of problem definition theory (Rochefort and Cobb, 1994; Stone, 1997). Aides who advise members of Congress on issues play an important role in agenda setting and public policy analysis and can significantly influence program evaluation. Within this framework, problem definition theory suggests that whoever controls the definition of the problem is in a unique position to control the debate over the issue, influence others, and determine the problem's place on the agenda (Rochefort and Cobb, 1994). Different groups compete for the attention of aides and the congressional members they represent. Problem definition, as seen from a political science perspective, concerns the strategic representation of situations. It assumes that individuals, groups, and agencies deliberately and consciously fashion portrayals of problems to promote their preferred course of action. Their representations are designed to persuade people to their side, and gaining leverage over opponents (Stone 1997).

Methods

The present study was divided into two parts: a rhetorical analysis designed to understand how the different groups--agencies, conservation/environmental organizations, and industry groups--defined the issue, and a questionnaire study of congressional aides. The rhetorical analysis was a subjective analysis of agency reports and issue position statements (see below) guided by the tenets of problem definition theory. Rochfort and Cobb (1994) specify six elements of problem definition: causality (the problem's origin), severity, incidence (how widespread it is), novelty, proximity (effects on local populations), and crisis. For example, federal agencies have identified the fee demonstration program as a necessary solution to a management crisis stemming from the deterioration of infrastructure, while opponents point to the negative effects it has on participation by low-income local populations--a proximity effect. Often, those contesting the definition of a problem will weave these various factors into a narrative story that employs symbols, numbers, and language manipulation to dramatize a problem--success stories are an example. These themes are readily evident in the groups' publications.

In Congress, the Recreational Fee Demonstration Program is overseen by the House and Senate Natural Resources Committees. These committees are largely comprised of members from western or southern states, with committee leadership generally from Rocky Mountain states including Colorado, Utah, and New Mexico. A total of 75 aides work on the committees; 52 aides in the House and 23 in the Senate. These aides are responsible for gathering information, developing issue positions, and both defining and representing the issue to the member for whom they work. They also are responsible for the development of

public policy and legislative measures. They come into the policy-making process from a range of backgrounds: government, economic, law, etc., and have different views based on their field of expertise.

In order to examine the attitudes and opinions of congressional aides, a 22-question survey was administered through personal interviews in Washington, DC and telephone conversations. Telephone calls were placed to all 75 aides. Since aides are not generally available directly, telephone messages described the study and its purpose. After multiple telephone calls requesting an interview, 35 aides responded (21 House aides and 4 Senate aides) and 25 of them agreed to participate in the study. The remaining 10 aides declined to participate citing office regulations or their lack of knowledge about the fee program. The majority of interviews were conducted on January 10th and 11th, 2002, while additional interviews took place on January 24th and 25th, 2002. Two interviews were conducted by telephone. The typical interview took 7 minutes after which aides frequently discussed the program informally for a few minutes. Survey questions were designed to elicit information in four areas: knowledge of the program, the information sources relied upon by the aides, attitudes about the program, and independent variables including party affiliation, ideology, and experience. Because of the limited response from Senate aides, and because their responses followed the same patterns as those of House aides, the data from the House and Senate were pooled. The data were tabulated with SPSS and Excel software. Because of the small sample size (n = 25), Fisher's Exact Test (Steele and Torrie 1980) was used to compare attitudes and knowledge level by party affiliation and ideology (liberal, moderate, conservative.).

Results

Rhetorical Analysis

The struggle for problem ownership of the fee demonstration program is a fierce battle between three highly motivated sets of groups--agencies, conservation/environmental organizations, and industry groups--each with their own definition of the problem and their own recommended solutions. As the debate over the Recreational Fee Demonstration Program continues, both proponents and opponents assert their own positions on the issue, publishing various materials, reports, or using other methods of communication to strategically define their own interpretation of the issue.

To understand the rhetoric surrounding the issue, I examined three different publications by groups seeking to control the issue. Agency reports were contained in the Recreational Fee Demonstration Program: Progress Report to Congress Fiscal Year 2000, which outlines the U.S.D.A. Forest Service, the National Park Service, the Bureau of Land Management, and the U.S. Fish and Wildlife Service program results. The U.S.D.A. Forest Service issue position statement also is reviewed as a specific example of how an agency defines the program. The environmentalist

position was represented by the Sierra club's "Selling Our Birthright." The free market approach favored by industry is outlined by the American Recreation Coalition's issue position statement.

With any federally managed program, agencies must conduct annual program evaluations and file a report to Congress. Usually these reports highlight positive characteristics about the program, possible suggestions for future improvements, and the role Congress can play in developing new policies related to the program. The fee demonstration program progress report, submitted to Congress jointly by both the Department of the Interior and the U.S. Department of Agriculture (Forest Service) in 2000, demonstrates the positions of the four federal land management agencies with relation to the fee program. The progress report is a technical summary of the inner workings of the program, providing statistical information as well as a brief synopsis of the positive outcomes from the fee program. It is designed to be highly persuasive, with supporting diagrams and charts presenting statistical information on the issue. In a letter contained in this report addressed to the Honorable Joe Skeen, Chairman of the House Subcommittee on Interior Appropriations from the Secretaries of the Interior and Agriculture Departments, Secretaries Norton and Veneman clearly identify this program as a management issue, stating, "This report summarizes the most up-to-date information on visitation, revenues, accomplishments, and management issues associated with the fee demonstration projects that were in place at the end of fiscal year 2000."² Clearly, the four land management agencies define this issue as a management concern, pointing to the substantial maintenance backlog they currently face (General Accounting Office, 1998). In their reports to Congress, the agencies have identified a "crisis" within the system, and fees collected from visitors to help pay for the maintenance backlog represents their profound solution. They point proudly to new restrooms, visitor centers, boat launches, and trail maintenance as only a few of the positive impacts of fees.

In addition to the 2000 Report to Congress, the U.S.D.A. Forest Service has issued its own position statement designed to educate the public about their definition of the fee program. "The fee demo program is a vital tool for land management agencies to use if the federal government is to continue to offer quality recreation, heritage, and wilderness programs open to the public . . . It allows the Forest Service to keep trails, campgrounds, lake and river access healthy and safe." (U.S.D.A. Forest Service). The statement further highlights how fees have reduced the maintenance backlog and provided new facilities and security measures within public forests. The Forest Service also addresses the issue of land privatization and keeping public lands open. "With reductions in workforce as forest budgets shrink, an important strategy to keep facilities open has been to permit concessionaires to run campgrounds and

² Letter from Secretary of the Interior, Gale Norton and Secretary of Agriculture, Ann Veneman, dated February 26, 2001.

other facilities with their workforce. . . The Recreation Fee Demonstration Program helps the Forest Service have a workforce that can clear trails and clean campgrounds, or to contract with the private sector for those services." (U.S.D.A. Forest Service).

The National Park Service and the Bureau of Land Management (BLM) point to similar managerial concerns such as the maintenance backlog and increased public demand. In their Strategic Plan, the Bureau of Land Management states that they will "use funds originating from fees, including fee demonstration areas, to correct deficiencies resulting from deferred maintenance." (Bureau of Land Management). The National Park Service uses park passes to administer the fee program, and has recorded the largest revenues of any agency from the program since its inception, with the 2000 fiscal year netting over \$143.7 million dollars from recreation fees. In addition to the technical information contained in the 2000 Report to Congress, a recent letter to the General Accounting Office (GAO) argued that the program was a necessary management issue and should be made permanent. "The Department of the Interior supports the Recreational Fee Demonstration Program and believes that Recreational Fee authority allows local managers to respond to visitor needs more effectively and to protect resources under their management.³ As one can see, the National Park Service, like the U.S.D.A. Forest Service, defines the issue as a management concern, giving managers at local sites the opportunity to generate revenue no longer appropriated from Congress to help improve facilities at those sites.

Selling our Birthright: Recreation User Fees on Public Lands (Sierra Club)

The Sierra Club uses a different approach to define and shape the debate over fees. They strongly oppose the notion of user-based recreation fees, and have become an active participant in the debate and in efforts to stop further legislation on the issue. Their publication, "Selling our Birthright," like the agency literature discussed above, presents a highly persuasive argument targeted towards individuals who have little knowledge of the program. The Sierra Club hopes to defeat current and future legislation by garnering grass-roots support and coordinating a mass movement against the fee program. Clearly, the Sierra Club defines the issue in terms of individual rights and sees itself as an advocate for citizen's rights. In many respects, the Sierra Club views the fee program as the land management agencies taking away the rights of individual citizens to use public facilities. For example, the Sierra Club states at the beginning of "Selling our Birthright," "Federal land management agencies are infringing upon the public's right to quiet recreation in these special places by imposing fees to use land we already own and pay taxes on." (Sierra Club). Thus, the Sierra Club quickly targets two key issues identified as appealing to both conservatives and liberals: rights infringement and double taxation.

³ Assistant Secretary for Policy, Management and Budget, P. Lynn Scarlett, found in GAO-02-10.

"Selling our Birthright" discusses another contentious issue: originally, the fee program was passed as a rider amendment to the 1996 Omnibus Interior Appropriations Bill without public debate. "This nationwide experimental user fee program was instituted without public input or comment, via a 'rider' to an appropriations bill funding the Department of the Interior. Riders are substantive policy measures buried in large, complex government funding bills (Sierra Club)." By strategically defining a "rider" amendment, the Sierra Club attempts to demonstrate how the various government actors are more concerned with the "bottom line" than with the general public. They also state, "Corporate lobbying and stealthy congressional actions could be forcing a major policy shift without public oversight and involvement. Aided by the advent of recreational fees, our precious public lands could be headed towards a motorized, product-oriented, market-driven future." (Sierra Club).

As a highly organized and politically mobilized group, the Sierra Club also outlines their solutions to the issues facing national parks and forests, suggesting that the problems can be solved without the fee program. The Sierra Club emphasizes that they support the legislative efforts of congressional leaders to end the fee program, that funding public lands is the responsibility of the federal government, and that charging additional fees for use is unfair. "Full, responsible funding for management of America's public lands is the job of the federal government." (Sierra Club).

American Recreation Coalition

On the opposite side of the issue is the American Recreation Coalition (ARC), an industry lobbying group that strongly supports user-fee-based recreation management programs. Their issue position statement is targeted toward those involved in the legislative development process, both at the state and federal level. ARC defines the problem as one of cutting "red tape," of privatization of public lands, and limiting regulation. By minimizing government interference and opening markets to various groups, the ARC focuses on decision-making and has designed their issue position statement to reflect a more policy-oriented position (as opposed to the Sierra Club's grass-roots campaign to support the issue).

In their issue position statement, ARC identifies the importance of utilizing and promoting fees. "The criteria and specific provisions for fees deserve careful review and a new clear and comprehensive strategy." (ARC). They quickly emphasize the earning potential of public lands through the application of fees, stating: "The 1987 Report of the President's Commission on Americans Outdoors noted that recreation expenditures by Americans exceed \$300 million annually and represent a steadily increasing share of consumer discretionary spending." (ARC). In line with their argument for limited government and opening markets, they state: "We believe that certain agency resources, including visitor services and maintenance, should be tied to marketplace changes." (ARC).

The ARC also supports legislation to expand the program and the enactment of new fees related to specific use. They believe individuals should bear the full responsibility of paying for the activities they engage in on public lands, and that recreation fees help to stimulate local economies and communities. "Recreation is also a positive force in bolstering the economies of communities which have undergone reductions in commodity industry activities, including timber, oil, gas, minerals, and grazing." (ARC).

Moreover, the ARC is attempting to gain access to the policy-making process through their own legislative efforts. For example, the ARC issue position statement outlines possible legislation they seek to have introduced entitled Recreation Fees and Public Lands Enhancement Act. "ARC would prefer to see recreation fees considered in a government-wide context, perhaps through a new Recreation Fees and Public Lands Enhancement Act which would replace the fee authorities now found chiefly under the Land and Water Conservation Act." (ARC).

In summary, the rhetorical analysis shows how the different agencies and organizations are attempting to define the problem strategically. The agencies see the program as a management concern and a method to generate revenue to replace falling congressional appropriations. The Sierra Club and the American Recreation Coalition take more ideological stances, with the Sierra Club arguing from a rights-based perspective and the American Recreation Coalition arguing that a free market approach is the most appropriate solution. Congressional aides are faced with three competing definitions to choose from, and must determine which definition assists them in the development of public policy.

Attitudes of Congressional Aides

One of the 75 potential participants from both houses of Congress, 25 completed interviews (33%) were obtained. Eleven aides identified themselves as Republican, 11 as Democrats, and 3 as Independents. Of all respondents, 40% indicated that their ideology was moderate, while 36% described themselves as conservative and 24% identified themselves as liberal.

When asked if they believed the congressperson for whom they worked shared their views on the issue, 68% felt they did. But 24% were uncertain about their employer's feelings, and 4% felt that they did not share the same views. Fifty-two percent of the aides discussed the issue with their congressperson regularly, but 48% did not. However, while these aides did not actively discuss the issue with their congressperson, they indicated that they would do so if debate in committee was held or a vote on the issue arose. Another question asked directly if aides believed this was a partisan issue; 76% did not believe it was a partisan matter, while 24% believed that it was. A Fisher's Exact Test revealed that Democrats were somewhat more likely than Republicans to view the matter as partisan, although the difference was only marginally significant ($p < 0.09$). During informal conversation following the interview, those aides who did not believe the

issue was a partisan matter did mention that they believed it would become one in the future.

To determine their knowledge of the fee program, aides were asked a set of questions about their familiarity with it. First, they were asked to describe their familiarity with the program on a 5-point scale ranging from unfamiliar to extremely familiar. Five respondents (20%) described themselves as either unfamiliar or somewhat familiar with the program, 28% said they were familiar, while 52% said they were either very familiar or extremely familiar with it. Despite these claims, 40% did not know when the current program would expire and, when asked if there was legislation before Congress to make the program permanent, 80% said either yes or that they were uncertain. At the time of the interviews, legislation had been drafted to make the program permanent, but had not been introduced to Congress. Answers to these factual questions cast some doubt on the aides' self-assessment, suggesting they were not quite so knowledgeable as they supposed. In addition, some aides who declined to participate cited lack of familiarity with the program as noted above.

Congressional aides rely on a variety of sources of information when evaluating programs including constituents, non-governmental organizations (NGOs), federal agencies, and research reports. The aides were asked to evaluate the importance of these on a 5-point scale ranging from unimportant to extremely important. This was subsequently collapsed into a 3-point scale ranging from very important to unimportant; the results are presented in Table 1. Clearly, the aides are most attuned to constituents, while they are least reliant on research reports. Of the four major federal land management agencies involved, 36% of aides identified the U.S.D.A. Forest Service as the most contacted agency, while 24% had the most contact with the National Park Service. The Fish and Wildlife Service (8%) and the Bureau of Land Management (4%) had the lowest levels of contact. Twenty-eight percent of those responding felt that they had equal contact with more than one agency.

Table 1 Level of Contact Between Congressional Aides and Groups Regarding the Recreational Fee Demonstration Program

| Groups | Very Important | Important | Unimportant |
|------------------|----------------|-----------|-------------|
| Constituents | 60% | 12% | 28% |
| NGOs | 56% | 16% | 28% |
| Federal Agencies | 52% | 24% | 24% |
| Research Reports | 32% | 28% | 40% |

Finally, aides were asked a series of questions about the program. When asked if they believed tax dollars, fees, or a combination of the two should be used to pay for public recreation sites and federal lands, 80% of respondents felt that a combination of fees and tax dollars was appropriate, while 16% believed taxes only should be used, and 4% felt fees should fully pay for recreation on public lands. When

asked directly if social equity concerns were relevant to the debate, 92% believed that social equity was important and relevant to the debate.

Aides were then asked about recent media reports that suggest that public use of national parks and forests has been declining due in part to fee increases. When asked if the aides believed this was an important problem, 48% believed it was, while 36% said it was not, and 16% indicated that they were uncertain. And finally, aides were asked about whether recent federal research, which suggests that low-income citizens may have reduced access to public recreation because of the fee program, was important to them when evaluating the program. Ninety-six percent of respondents believed that reduced access to public recreation for low-income people was an important factor in program evaluation, with only 4% indicating that it was not a concern.

As noted, a series of Fisher's Exact Tests compared attitudinal and knowledge questions by Republican and Democrats, and by political ideology (liberal, moderate, conservative). Only two of these tests approached statistical significance. There was some tendency for Democrats to view the issue as more partisan than Republicans ($p < 0.09$). There also was a difference in preferred methods of funding (fees, taxes, combination) with political ideology ($p < 0.06$), but no regular pattern could be discerned. The absence of statistical significance suggests that both support for and opposition to the fee program are broadly based, crossing both party and ideological lines. It also suggests that the opinions and commitments of the aides may not be strongly held.

Discussion and Conclusion

As the rhetorical analysis showed, the three competing definitions of the program provide congressional aides with different perspectives to choose from. The agencies define the issue as a management crisis, using symbols like deteriorating facilities to illustrate their definition and recommend the fee program as the necessary solution to the problem. The Sierra Club, and other groups opposed to the fee program, isolate the issue as a rights-based matter, and use stories to illustrate how people are precluded from using the lands freely. The American Recreation coalition defines the issue as a means of cutting government "red-tape", and applies the proximity argument to show who the fee program will benefit local economies.

The survey of congressional aides revealed three major points. First, there is some question about just how knowledgeable the aides are about the program. Most aides believed themselves to be very familiar with the program. But only half actively discussed the issue with their employer. Forty percent did not know if there was legislation before Congress to make the program permanent, and 40% did not know when the current demonstration program would end. Second, aides rely primarily on constituents (60%) and NGOs (56%) for information about the program. Agencies also were very important (52%), but research reports were relatively

unimportant as a direct source of information. Specific research findings are probably most important in shaping the symbols, stories, etc. used by the competing groups. Some aides also mentioned casual discussion with other aides and Congressional Research Service information as important to their understanding.

Third, it is quite clear that aides believe social equity concerns are very important to the debate: 92% indicated that social equity was a very important concern, and 96% believed that the concerns of low-income people must be addressed when evaluating the program. At present, the fee demonstration program uses small fees to supplement agency budget. The aides seemed comfortable with this; most (80%) said they felt a mix of fees and tax dollars was the most appropriate, while relatively few opted for using either all taxes (16%) or all fees (4%) to support recreation on public lands. Although virtually all aides felt that equity and low-income access were important, identifying low-income people on-site is problematic. In Britain, welfare recipients receive identity cards that give them free access to community recreation facilities (Collins and Kennett, 1998). However, in this country, agencies have been reluctant to ask people directly if they are low-income, and many people feel this is demeaning. Consequently, agencies have resorted to the provision of free days to attempt to deal with the low-income problem. Unfortunately, free days are unlikely to provide much relief since low-income people have less vacation time, less sick leave, and less flexible schedules than upper-income people (Heymann, 2000).

How can the success of the fee program be measured? This study suggests that the definition of the problem is not clearly "owned" by any side. Since the four major federal land management agencies define this program as the solution to a management crisis, agencies see the success as money collected which translates into maintenance and other improvements at sites. Although agencies were not the group that aides relied upon most, more than half (52%) of the aides viewed agencies as a credible source of information, suggesting that the aides gave some credence to the idea of a management crisis. The American Recreation Coalition sees success as the movement toward privatization and economically efficient service delivery. Opponents, by contrast, are not interested in program success; they see the program as an infringement on the rights of the individual, with low-income people being excluded from public recreation opportunities. Many aides preferred to stay neutral when asked how our public lands should be financed, saying a combination of fees and tax dollars was appropriate--in effect, the status quo. This is hardly surprising since the aides often seek compromise between competing groups. At some level, this represents a sort of victory for the agencies and the American Recreation Coalition; once the public adjusts to these fees, undoubtedly prices can be raised further.

Yet, while the Sierra Club and other environmental organizations face an uphill fight, the aides lack of firm commitment coupled with their concern about social equity and low-income groups, suggests support for some of the

Sierra Club's powerful argument. Bengston and Fan (2001) suggest that arguments from rights and equity have a greater emotional impact for people, and while utilitarian arguments may be sound, the rights arguments in opposition are stronger and will have a greater lasting impact. "Claims based on rights, fairness, and spiritual values tend to be held with greater intensity and depth of emotion than claims based on utilitarian and pragmatic arguments." (Bengston and Fan, 2001).

Looking at the strategic definitions employed by these groups, one clearly sees how these definitions are geared toward attaining control of the problem and offering a solution to public lands policy. The differing sides recognize that there is a management crisis that must be addressed. The land management agencies see success in relation to money collected from the fees. Since they are interested in the money, they will be most apt to choose a solution that gives them the greatest revenue. They would like to see the program made permanent and expanded to other areas not currently charging entrance fees. However, while the agencies favor the fee program currently, commitment is likely to be marginal in the sense that their position is self-interested rather than ideological (i.e., if the political environment changes, the agencies, too, will change).

While this study provided some insight into the attitudes and opinions of aides on the subject of the fee program, more research is necessary to determine the best policy solution to financing and managing our public lands while ensuring equal opportunity and access to all. As different actors or groups attempt to influence the policy process and future legislation on the fee program, the way the program is defined will become increasingly important. More research on this subject will allow those groups or actors competing for the definition of the problem to understand specifically what those in the policy-making circle are thinking, how these aides shape and define the fee program, and how these competing interests can tailor their definitions to gain control of the debate.

Just as administrators will continue to embrace the notion of charging fees for public lands, the growing opposition to the fee program will continue to be defiant and sponsor acts of civil disobedience. But ultimately congressional aides and policy-makers will be responsible for whether the program is repealed or made permanent. This will depend on how they define the problem and how they see the debate over the issue unfold. Thus, the definition of the problem is vital to not only understanding the issue, but also to the making of effective public policy.

Literature Cited

Bengston, D., & Fan, D. (2001). Trends in attitudes toward the Recreational Fee Demonstration Program on the national forests: A computer content analysis approach. Journal of Park and Administration Administration, 19(4), 1-21.

Collins, M., & Kennett, C. (1998). Leisure, poverty, and social inclusion: The growing role of leisure cards in public leisure services in Britain. Local Governance, 24(2), 131-142.

Heymann, J. (2000). The widening gap. New York: Basic Books.

Rochefort, D., & Cobb, R. (1994). The politics of problem definition: Shaping the policy agenda. Manhattan, KS: University Press of Kansas.

Steele, R., & Torrie, J. 1980. Principles and procedures of statistics. New York: McGraw-Hill Book Company.

Stone, D. (2001). Policy paradox: The art of political decision making. New York: W.W. Norton & Company, Inc.