

TRENDS IN OUTDOOR RECREATION LEGISLATION¹

George H. Siehl²

The two decades which have passed since the era of the Outdoor Recreation Resources Review Commission (ORRRC) have been active and fruitful in terms of Federal recreation legislation. The Commission and its final report "Outdoor Recreation for America" strongly influenced the burst of recreation legislation in the 1960's. Even today, the studies prepared under the guidance of the Commission continue to provide useful baseline data. This paper addresses three areas of trends in outdoor recreation legislation-- trends in context, content, and consequences.

TRENDS IN CONTEXT

This is the simplest of the trend areas. It is based upon the realization that recreation is not one of those fields--such as national defense or education--that is considered as an entity by the Congress. Rather it is treated as one member of a family of issues. In the case of recreation, it entered the decade of the 60's as part of the bundle of issues called conservation, a context which consisted in large part of a philosophy toward the uses of natural resources. That philosophy embraced the concept of "balance" between consumption and protection of resources.

For a time after the completion of the ORRRC, the level of legislative activity was high enough to make it seem as if recreation might be important enough to stand alone.

During the mid to late 60's, however, the idea of conservation was being transformed into the broader concept of environmentalism. One catalyst to this transformation, I believe, was the "natural beauty" campaign of Mrs. Lyndon B. Johnson. Her efforts (and the support of President Johnson didn't hurt) brought a wide degree of public awareness that amenities such as parks and recreation areas are important components in determining the quality of life. Further, the public came to recognize the interrelatedness of various activities and the tradeoffs which take place among economics, environment and, a little later, energy.

¹Paper presented at the National Outdoor Recreation Trends Symposium, Durham, NH, April 20-23, 1980.

²Analyst in Environmental Policy, Library of Congress, Washington, D.C. 20540.

Thus, through the late 60's and midway into the 70's, recreation considerations were tied to the concept of the environment. Environmentalism differs from conservation rather significantly, however. The environmental movement in seeking to check pollution and other types of degradation has adopted a highly protective stance. For recreation matters, this frequently results in support of preservation efforts and seldom in support of more intensive or development-oriented forms of recreation.

The preservation movement has secured legislation protecting areas which future generations may enjoy. A high price may be paid for these successes, if, as seems to be likely, the broader recreation community has been divided into new preservation and old conservation camps, each of which goes its own way or enters into new contextual relationships.

Where could the user recreationists--as opposed to the preserver recreationists--find their new context? The answer seems to be the economy. The formation of a 243 member Recreation and Tourism Caucus in the House of Representatives; the concerted action of the Congress to prevent weekend gas station closings as part of the President's proposed standby energy conservation program; and the strong reaction to the Energy Department's proposed regulation which could prohibit weekend operation of powerboats in times of energy shortage seems to indicate that Congressional support is there for use-oriented recreationists. The reason is that recreation and tourism are of widespread, major economic importance. As the state of the economy worsens, Congress will possibly become even more protective of viable recreation enterprises.

At the same time, preservation efforts may not be as successful as in recent years, particularly when the choice is to create a new

Wilderness area or allow the recovery of an energy resource or a strategic mineral resource. The context for preservation decisions could shift from environmental protection to the completely different arena of national security. Perhaps with the MX missile siting proposal and the controversy over the cobalt deposits in the proposed West Panther Creek wilderness area, the shift is already underway.

TRENDS IN CONTENT

In the past 20 years there have been hundreds of recreation laws passed, thousands of bills introduced, and billions of dollars authorized and appropriated. What were the details of all that legislation?

Instead of reviewing all that's happened, let's look at the trends in five content categories--although that does not exhaust all the possibilities. The five are:

1. Authorization of Federal park and recreation areas;
2. Authorization, planning and management of Federal resource agencies;
3. Assistance to non-Federal agencies;
4. Financing Federal recreation areas; and
5. Related environmental legislation.

In the first category--authorization of Federal park and recreation areas--there are several noticeable trends. Foremost is the trend which saw the number of units increase sharply. The National Park Service, for instance, numbered 209 units in 1960, 281 in 1970, and today 320; including the Executive withdrawals in Alaska. Acreage figures have increased correspondingly. A second, closely-related trend is that toward the acquisition of private lands for addition to the public recreation estate. The authorization of Cape Cod National Seashore in 1961 marked the first time that Congress went to the Federal treasury to buy all the lands for a Federal recreation unit. Earlier Eastern additions to the Park System, such as Shenandoah National Park, Virginia, and Acadia National Park, Maine, were acquired through private, state, and local funding efforts, then donated to the Federal government. Buying land for parks was much more expensive than setting the acreage aside from other Federal holdings; hence a third trend in recreation legislation, acceptance of increased costs.

A fourth trend in the authorizations of new Federal recreation areas has been the creation of specialized areas as wilderness,

wild and scenic rivers, and national trails. The establishment of national seashores and national lakeshores is further indication of the trend toward recognizing the attractiveness of certain natural features to outdoor recreationists. The creation of designated National Recreation Areas to be managed for intensive recreational use shows Congress has been aware of a broad public demand for recreation opportunities.

The second trend category, dealing with the structure and administration of those Federal agencies with recreational responsibilities, would include as its highlight the 1963 Congressional authorization which led to the establishment of the Bureau of Outdoor Recreation (BOR) in the Department of the Interior. Other pertinent legislation includes the 1960 Multiple-Use Sustained Yield Act, the Resources Planning Act of 1974, and its 1976 amendment, these relating to forested lands and especially the Forest Service, and the more recent organic act for the Bureau of Land Management, the Federal Land Policy and Management Act of 1976. These enactments were not principally directed toward recreation, but they do help to ensure that recreation is one of the purposes for which Federal lands will be managed.

Assistance to non-Federal recreation agencies, the third trend category, is headed by enactment of the Land and Water Conservation Fund. This mechanism has provided over 2.5 billion dollars to the States since 1965 to assist in the planning, acquisition and development of outdoor recreation facilities. Federal recreation legislation has also provided for the donation of surplus Federal real property to other units of government for recreational use. Further, Federal agencies may give technical assistance in recreational matters to non-Federal resource agencies. This was one of the provisions of the 1963 Act which led to creation of the BOR. The level of funding support to the States has increased over the years since 1965, clear evidence the Congress has seen the need for a partnership approach to meeting outdoor recreation needs. Although there have been occasional disruptions in this support program (the most serious of which is now threatened in the President's revised budget request), the trendline has been clearly upward.

Much of what was said about the assistance provided to State and local government applies to the fourth trend category--financing Federal recreation areas and activities. The Land and Water Conservation Fund has been helpful in securing the passage of authorizing legislation for new recreation areas because Members did not have to vote at the same time to appropriate more money. The funding for the unit would come from the LWCF. The need to vote to put more money into the Fund was largely done away with by tapping the mineral leasing revenues from the Outer Continental Shelf in the 1968 amendments to the LWCF Act. It was through this mechanism that the Fund grew from \$120 million in 1966 to its current authorized

level of \$1 billion.

The authorized funding level provides slight solace to recreationists at this time. President Carter requested less than full funding (\$580 million) in his first budget request for FY 81. The Congress reduced that figure in Committee action to \$290 million. Then the revised Carter budget lowered the request to \$233 million. Some are reminded of the pre-LWCF days when some Members would vote for establishment of a park unit and later vote against the appropriation of funds for acquisition.

To summarize the trend in financing, one might say that it is up, but not certain.

The final category of legislative trend is that of environmental laws which provide direct or indirect support to outdoor recreation. Clean water bills have resulted in thousand of miles of cleaner streams and rivers and thus restored an important recreation resource. Thus, water bodies once again may support recreation fishing and boating and water contact sports. Further progress in this regard is to be expected. The 1977 amendments to the Clean Air Act stipulate that certain park and wilderness areas are to be protected from significant deterioration of their air quality.

TRENDS IN CONSEQUENCES

Passing a law is something like passing a message because after transmission, the outcome sometimes varies from the intent. These inadvertencies of legislative action may produce trends with broad, but delayed consequences.

One such trend is bringing the Park Service back to town. During the decade of the 1970's Congress enacted legislation to establish sizeable units of the National Park Service in New York (Gateway National Recreation Area), San Francisco (Golden Gate National Recreation Area), Cleveland-Akron (Cuyohoga Valley National Recreation Area), Atlanta (Chattahoochee River National Recreation Area), Lowell (Lowell National Historical Park), and Los Angeles (Santa Monica Mountains National Recreation Area). Many applaud this movement of parks to the people. However, these urban areas tend to be expensive to acquire and to operate because they are rather manpower intensive.

In an era of unlimited Federal resources a program of helping to meet urban recreation and open space needs when local government cannot do so may help to achieve a balance in recreational opportunities. When the Federal resources become limited, as now, what will be the consequences? If the available financial and manpower resources are concentrated on the expensive urban areas, what happens to the

traditional Park System units? We may be about to find out.

Another trend in consequences, which was touched upon in the discussion of trends in context, is that in legislation for recreation preservation the opportunities for recreation provision are being reduced. This is perhaps best exemplified at the largest scale by noting that the creation of new wilderness areas has eliminated some possibilities for developing new alpine skiing areas. A mechanism which emphasizes one recreational use without providing for similar consideration of others inadvertently reduces the likelihood of examining alternative uses. Enactment of something like a Developed Recreational Facilities Siting Act might balance the effectiveness of the Wilderness Act and so provide even greater recreational opportunities.

UNTOUCHED TRENDS IN RECREATION LEGISLATION

The coverage of this paper has omitted more legislation than it has included. It has, however, identified some of the more important trends which might be discovered in a lengthier review. There are other trends which might be examined in some future forum. Two which come immediately to mind are the changes which have taken place in the Congress and in the outdoor recreation constituencies.

In the first instance, we should note that the guard has changed, and that many of the prime shapers of Federal recreation legislation and systems are gone from the Washington scene. Their experience and influence cannot be quickly replaced, although some newer Members are supportive of recreational matters.

In the second instance, the number of groups which have made the case for recreation legislation before the Congress has increased. Some of these new groups, such as Friends of the Earth, have represented a strong protectionist philosophy. Now, however, additional organizations, such as the American Ski Federation, representing a different economic and development attitude toward recreation matters are coming onto the Washington scene.

The resulting interplay between the changing Congress and the changing voices for outdoor recreation interests should provide for interesting new trends in the near future.