

Appendix C: National Park Service Fee Program Public Participation and Notification Guidelines

Background. The Federal Lands Recreation Enhancement Act of 2004 (REA) requires that the public be provided with opportunities to participate in the development of or change to a recreation fee established under the Act. This includes providing advance notice of fee changes to the public and developing public participation and notification guidelines. REA's public participation requirements for the National Park Service and U.S. Fish and Wildlife Service are different than those for Bureau of Land Management, Bureau of Reclamation, and Forest Service. The latter three agencies are required to establish Recreation Resource Advisory Committees, whereas the National Park Service and Fish and Wildlife Service are not.

DO 75A: Civic Engagement and Public Involvement says, "*The Service recognizes that the present and future welfare of the national park system depends in large measure on the public's support of the way the Service manages the parks. The public will have a greater appreciation of, and support for, our management if they recognize that we seek, and are receptive to, their involvement in the important decisions that are made.*"

To engage the public about fees, the first policy is to plan in advance and be clear at what stages, and how, we will invite the public to participate in our decision-making processes. All applicable DO 75A policies and standards, such as leveraging resources and working cooperatively to accomplish legal requirements, can be found on the web at <http://www.nps.gov/civic/policy/policy6.html>.

Intention of the fee guidelines. These guidelines are intended to:

- 1) Assist the parks on compliance with legal public participation requirements to change existing fees, add new fees, or establish new fee areas.
- 2) Notify the public about fee rates and how recreation fee revenues are used.
- 3) Help parks strategize and leverage funding and staffing in carrying out these requirements (see policy #9 in DO 75A).

Applicability and Definitions. **These guidelines apply to the following actions: CHANGING AN EXISTING FEE, ADDING A NEW FEE, or ESTABLISHING A NEW FEE AREA**

- **Changing an existing fee:** A park that currently charges an entrance or expanded amenity fee using REA authority and raises their fees is *changing an existing fee*. This includes any change resulting in a financial impact to the visitor such as changing from a per vehicle rate to a per person rate or changing length of stay.
- **Adding a new fee:** A park that currently charges an entrance or expanded amenity fee using REA authority that adds a new fee to their current fees is *adding a new fee*. Some examples are adding an Annual Pass, a multi-entity pass, or a special rate for motorcycles etc.
- **Establishing a new fee area:** A park that has never charged an entrance or an expanded amenity fee using REA and decides to begin charging is *establishing a new fee area*.

Requirements. Any site changing an existing fee, adding a new fee, or establishing a new fee area must accomplish the following five steps.

Responsibilities. The superintendent must:

1. Engage the public **before** a request for approval is submitted to the Regional Director (RD).
2. Submit a request for approval to the RD.
3. After rates are approved at all levels (RD, Washington Office, Department of the Interior) notify the public and commercial tour operators of the new or changed fees.
4. Notify the public on how fee revenues are used at the site.
5. Report annually to the RD on how they have informed the public about the use of fee revenues.

NOTE: Parks *establishing a new fee area* must also publish a Notice in the Federal Register (FR) in addition to the steps below.

Detailed Instructions.

Step 1. Public participation/civic engagement:

Approximately 18 months prior to changing an existing fee, adding a new fee, or establishing a new fee area the park **must** plan to engage the public about proposed changes. Public participation **must** occur **prior** to submitting a request for approval to the RD. Before submitting a request:

- The fees should be proposed to the public.
- Input from the public should be considered when the request for approval is submitted. The park may decide to submit the rate as planned or alter it due to public input.

Even after approval, a superintendent may decide to delay implementation of a fee if an event has occurred that makes delayed implementation more suitable.

Methods for engaging the public are not “one size fits all.” Each superintendent is responsible for knowing the park’s stakeholders and how changes in fees will affect local businesses, tourism, economics, etc. The superintendent may choose from a variety of options to solicit public opinion and test how the changes will be received. For further information on how to plan for and implement any of the following methods, contact regional staff in program areas such as Planning, Interpretation, Rivers, Trails and Conservation Assistance (RTCA), Concessions, or Fees that may have experience in public meetings and/input. See Appendix B of DO 75A for more excellent resources and tools.

All superintendents proposing a change in fees, adding a new fee, or establishing a new few area **must** notify and obtain input from 1) their Congressional delegation, 2) nearby Federal, State, and County officials, 3) local Chamber of Commerce (or equivalent), and 4) Commercial tour operators. **In addition to these required activities**, the park must engage in a **minimum** of one of the following activities:

- Public meeting/open house
- Focus groups (include general public, stakeholders, local business representatives, etc.)
- Soliciting opinions about proposed changes through local media
- Surveys/Comment cards
- Radio “call in” programs soliciting public opinion
- Charrettes (Community Toolbox -- Consensus Building)
- Workshops
- Interpretive Walks
- Solicit opinions via the Internet (Community Toolbox -- Consensus Building)

For Parks Establishing a New Fee Area. When a superintendent is considering establishing their park as a new fee area they should contact the Regional Fee Program manager. This should occur as soon as possible but recommended at least 18 months before the targeted date of implementation. At the same time, the park should plan for public participation and engage the public about the proposal. The Regional Fee Program Manager will work with the Washington Office to post the notice in the Federal Register at **least six months prior to establishing a new fee area.**

To establish new fee areas, public participation opportunities must include the following:

1. Sharing plans developed by the site for the establishment of a new fee area.
2. Presenting financial analysis including projected development, operating, and maintenance costs and projected income of the new fee area.
3. Showing the analysis of existing private and public facilities or services in the vicinity of the new fee area that may compete with it.
4. Describing how the site will inform the public on how the revenue from the fees collected will be used at the area.

Step 2. Requesting approval for implementing a change in fees:

Once a park has engaged the public and received input they should submit the fee changes in the annual Recreation Fee Rate Change Request (annual call for changing an existing fee, adding a new fee, or establishing a new fee area). The parks should submit the fees to the RD for approval. Once approved, the RD will forward the packet to the Washington Office by the appropriate deadline for approval by the Director and DOI Assistant Secretaries for Fish, Wildlife, and Parks and Policy, Management, and Budget. Once the RD has received notice of those approvals the park may implement the fees according to the approved date.

Step 3. Notification of current fees:

Once a superintendent has received notice from the RD that the Director and DOI have approved the proposed fee rates, the public must be notified of the changes to be implemented. This must be done by publishing any changes in local newspapers and publications located near their sites. All press releases must be closely coordinated with Regional and Washington Office Public Affairs offices.

Commercial tour operators must be given **one year notice** of any fee rate changes that affect them. Superintendents should be mindful of the implementation date to allow for proper notification.

Superintendents must post clear notice of the current fee rates for their area as well as in publications distributed at the site.

Step 4. Notification of how fee revenues are used:

Superintendents must provide information to the public about how fee revenues are used at the site. These should be posted using at least one of the following:

- Press release in local newspapers and publications
- Park newspaper article
- Park website (www.nps.gov)
- Interpretive display
- Signs posted at projects funded by fee revenue

Standardized templates for signs and website design may be issued at a later date.

Step 5. Reporting on methods used to inform public of use of fee revenues:

By January 15 of each year, superintendents must submit to the RD the methods they used to inform the public of how fee revenues were used at their park.