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Public Lands and Private Recreation Enterprise: Policy Issues from a Historical Perspective

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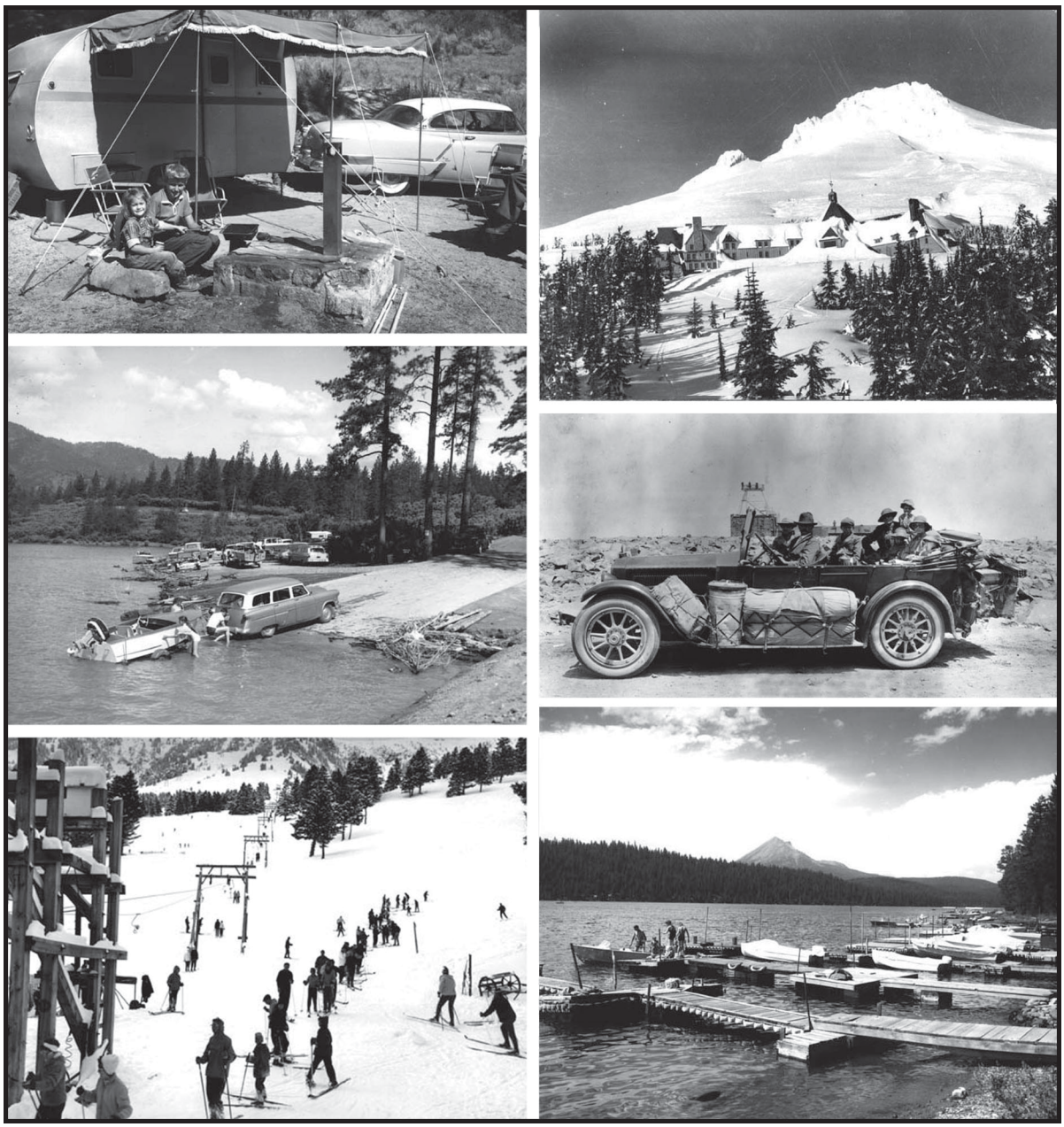

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Abstract

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This paper highlights a number of the historical events and circumstances influencing the role of recreation enterprises on public lands in the United States. From the earliest debates over national park designations through the current debate on the ethics of recreation fees, the influence of recreation service providers has been pervasive. This history is traced with particular attention to the balance between protecting public interests while offering opportunities for profit to the private sector. It is suggested that the former has frequently been sacrificed owing to political pressures or inadequate agency oversight.

Keywords: National Park Service, USDA Forest Service, concessions, recreation, public lands, public good, public utilities.

Contents

Introduction

The role of the private sector in providing recreation goods and services on federal lands is a subject of considerable contemporary debate. This debate has generally focused on the two primary providers of public land recreation, the USDA Forest Service and the USDI National Park Service, although the issues are equally valid for other agencies including the USDI Bureau of Land Management and the U.S. Fish and Wildlife Service. Some critics have contended that the agencies responsible for our public lands have not sufficiently encouraged private investment in recreation development to accommodate growing public demand. Conversely, others have rallied behind a cry of opposition to "commercialization, privatization, industrialization, and 'Disneyfication'" of their national parks and forests.

The agencies themselves wrestle internally between the need to supplement meager federal appropriations for recreation and the underlying goal of natural resource protection. Pricing concerns, social equity, and perceived excessive development and commercialization are but a few of the issues agencies need to address as they weigh the pros and cons of increased privatization.

These are not new issues. Indeed, they have been at the forefront of public land recreation management for nearly 130 years. This history indicates that private investment is neither inherently good nor evil, but that it does come with attendant governmental obligations to safeguard the greater public interest. Agency recreation policies need to be evaluated with attention to these obligations as well as to the lessons of the past.

The history of the national parks and the National Park Service has been well covered in the literature (see for example, Everhart 1983, Foresta 1984, Ise 1961, Runte 1979, Sellars 1977, Shankland 1951). In most cases this past work has, by necessity, at least touched on the role that private business has played in the development and management of the parks. Quite simply, the history of national park concessioners and the history of the parks themselves are so intertwined as to be inseparable.

Such is not the case with the national forests and the Forest Service. Although accounts of the agency have been written (see Pinchot 1947, Robinson 1975, Runte 1991, Steen 1976, Williams 2000), the forests' historical ground has been plowed with neither the depth nor frequency as has that of the parks. Specifically, there is a notable lack of reference to recreation service enterprises in the national forest histories. This is not especially surprising given that recreational use of the forests was not explicitly mentioned in the establishing legislation (Forest Reserve Act of 1891) or in the 1897 Forest Management Act directing forest management and administration.

Although it is not my intent to present a detailed review of the two agencies' historical development, it is necessary to trace that general history as it relates to the provision of recreation goods and services; the answer to why we are where we are is largely found in where we have been.

Finding balance between recreation service provision and protection of natural resources has never been easy. It will be shown that the magnitude and form of commercial development on our public lands is an area of long-standing concern. Furthermore, the societal benefits of public land recreation have frequently entered the policy debate. The "public good" aspect of recreation has long been recognized, and the desire to provide recreation services at a "reasonable price" has often been expressed

throughout the history of the public lands in the United States.[1] There are some indications that these public good considerations are receiving less attention in recent years; implications of such a shift should be evaluated in light of economic theory, public opinion, and historical context.

This paper will trace each agency's relevant history through a series of significant eras in the development of recreation enterprise policy. These time blocks are presented alternately for the Park Service and the Forest Service to allow for concurrent historical review. This is followed by an analysis of where the Forest Service is today in the debate.

The National Park Idea (1870–1915)

Some have argued that Yosemite warrants the title of America's first national park, and it very nearly was so. However, when Congress set aside the wonders of the Yosemite Valley in 1864, it did so by cession to the state of California for use as a state-managed park. (It was in 1890 that Yosemite National Park was officially established; the return of the valley to the federal government did not occur until 1906.)

Thus, the claim to being the first national park rightly rests with Yellowstone. The debate leading up to the 1872 establishment of the park is not only fascinating from a historical standpoint, but also because it portends a philosophical rift that in many ways exists to the present time. Concerns expressed over states' rights, private property rights, "land grabbing," wasteful use of resources and land, and generally the role of the federal government might just as easily have come from a newspaper in Arizona, Utah, or Nevada in 2002 as in 1872.

From the beginning, this debate often related to the impacts park set-asides might have on the entrepreneurial rights of citizens to profit from their public lands. This view was articulated by Senator Cole of California, in voicing opposition to Yellowstone Park designation:

> I have grave doubts about the propriety of passing this bill. The natural curiosities there cannot be interfered with by anything that man can do. . . . I cannot see how [they] can be interfered with if settlers are allowed to appropriate them. . . . I do not see the reason or propriety of setting apart a large tract of land of that kind in the Territories of the United States for a public park. There is abundance of public park ground in the Rocky Mountains that will never be occupied. It is all one great park, and never can be anything else. . . . There are some places, perhaps this is one, where persons can and would go and settle and improve and cultivate the grounds, if there be ground fit for cultivation (quoted in Ise 1961: 16).

Not all agreed with this line of thinking. Circumstances at Yosemite, after its cession to California, may actually have contributed to the successful vote on Yellowstone. Senator Trumball of Illinois:

> I think our experience with the wonderful natural curiosity, if I may so call it, in the Senator's own state (California), should admonish us of the propriety of passing such a bill as this. There is the wonderful Yosemite Valley, which one or two persons are now claiming by virtue of a pre-emption [Homestead Land

[1] The concept of public land recreation enterprises as a form of public utility is addressed in detail in Quinn (1996) and summarized in Quinn (2002).

> Claim]. Here is a region of country away up in the Rocky Mountains, where there are the most wonderful geysers on the face of the earth; a country that is not likely ever to be inhabited for the purposes of agriculture; but it is possible that some person may go there and plant himself right across the only path that leads to these wonders, and charge every man that passes along between the gorges of these mountains a fee of a dollar or five dollars. He may place an obstruction there, and toll may be gathered from every person who goes to see these wonders of creation (quoted in Ise 1961: 17).

How prophetic Trumball's words turned out to be. Of course, in many cases public ownership has not prevented the tolls he grimly forecasted. Despite the formidable opposition, the bill establishing Yellowstone National Park was signed by President Grant on March 1, 1872.

The Entrepreneurial Spirit

Among the provisions of the legislation creating Yellowstone was an early recognition that the park would be a desirable location for tourist conveniences.

> The Secretary may in his discretion, grant leases for building purposes for terms not exceeding ten years, of small parcels of ground, at such places in said park as shall require the erection of buildings for the accommodation of visitors; all the proceeds of such leases, and all other revenues that shall be derived from any source connected with said park, to be expended under his direction in the management of the same (Yellowstone Act of 1872: 32).

Most of such revenues are now generally returned to the U.S. Treasury. This change has proven to be a significant factor in influencing recreation service policy.

It did not take long for word of the wonders of Yellowstone to spread across the continent; nor did it take long for some hardy businessmen to spot an opportunity. The issue of motives of park concessioners surfaces repeatedly even today. We often hear how they are public-spirited folks who love to serve the public while living in the splendor of the park setting. The minimal profit they generally report is often said to be secondary to their goal of providing good public service at reasonable rates.

While postponing critique on this point, let it suffice to say that the earliest business ventures in the parks were more clearly about the less ambiguous goal of profit. Sax (1981: 14) notes that after establishment in 1872, "Yellowstone was quickly invaded by as nefarious a bunch of promoters as the West had yet seen." Other authors have recalled accounts of vendors "attacking" the tourists stepping down from trains "with the most objectionable kind of amusement park barker's routine" (Everhart 1972: 115). These barkers often promised more than they would or could deliver.

Such blossoming commercialism added to the administrative demands of the park. Yet it was not until 1878, 6 years after establishment, that Congress finally appropriated $20,000 for the protection, preservation, and improvement of Yellowstone Park. The following year the amount was lowered to $10,000 (Ise 1961: 29). Despite such meager funding for managing the 2-million-acre park, debate in Congress continued over the propriety of the federal government engaging in the business of public land management. In discussions over an amendment to the 1872 Act, Senator Ingalls of Kansas spoke for the minority view in 1883:

> The best thing that the Government could do with the Yellowstone National Park is to survey it and sell it as other public lands are sold. . . . It is getting to be a good deal of an incubus, and it is very rapidly assuming troublesome and elephantine proportions. We are already engaged in a very good-sized wrangle and quarrel with certain persons assuming the proprietorship by way of unauthorized leases, as alleged by the Secretary of Interior. Ten thousand dollars has already been spent in laying out roads that nobody uses. Last year we appointed a superintendent at an expense of $2,000, and this year the appropriations are $40,000.
>
> I do not understand myself what the necessity is for the Government entering into the show business in the Yellowstone National Park. I should be very glad myself to see an amendment to this bill to authorize that portion of the public domain to be surveyed and sold, leaving it to private enterprise, which is the surest guarantee for proper protection for such objects of care as the great natural curiosities in that region. I believe they would be safer that way, and the interest of the public would be better preserved that way and we should have easier and better and surer access and less encroaching demands upon the Treasury of the United States (Congressional Record March 1, 1883: 3488).

One cannot help but wonder what Senator Ingalls would exclaim upon seeing the annual appropriation for Yellowstone National Park today (a sum of money considered by the Park Service to be woefully inadequate to meet the park's needs). Yet despite such opposition, the park idea had taken hold. In Ingalls' words, the government had entered "into the show business."

One of the early superintendents, Robert E. Carpenter, set the tone for the 1880s when he observed that the "park was created to be an instrument of profit to those who were shrewd enough to grasp the opportunity" (Sax 1981: 16). To be sure, there was to be no shortage of graspers. While the single large company (Yellowstone Park Improvement Company) was working to dominate the park by seeking exclusive lease of a square mile around each of the seven most desirable sites, the sole right to serve visitors, and a monopoly of timber, grazing, and stock range within the park, many small companies fought over the "leftovers," primarily transportation services. Although Yellowstone Park Improvement Company failed to get all it hoped for from the government, the company did gain a more limited lease and immediately proceeded with the construction of a "grotesque red and green hotel at Mammoth Hot Springs" (Sax 1981: 16).

Congress apparently was unsure of exactly how to guide development in the parks. Mantell (1979) points out that late 19th-century fiscal policy precluded Congress from spending revenues on lands that had been set aside and withheld from materially productive use. "Congress' attitude toward the parks was consistent with its policy of not furthering the fine arts with public funds" (Mantell 1979: 7). On the other hand, public outcry over the Yellowstone Park Improvement Company's land-grab effort led to a special clause in an 1883 appropriations bill restricting the size and number of leases grantable to any one person. Despite this amendment, power in the park tended to concentrate as small operators were driven out by the larger companies.

The fear over monopolistic control of the national parks escalated through the 1880s as the Northern Pacific Railroad increased its investments in Yellowstone. Northern Pacific had created the Yellowstone Park Association, which added five

hotels and soon controlled the transportation between the park and the train (Shankland 1951: 117). This came at a time when a general political climate disfavoring monopolies was emerging in the United States. For example, the Sherman Anti-Trust Act was enacted in 1890. Sensing the national mood, in 1891 the Secretary of the Interior broke up the holdings of the Yellowstone Park Association, allowing it to keep only the hotels (Shankland 1951: 118). This was by no means the end of monopolies in the national parks, however.

Between 1872 and 1890, there were numerous efforts, in and out of Congress, to establish other parks. Of these, only three (all in California) received Congressional approval. The year 1890 saw the establishment of Yosemite, Sequoia, and General Grant National Parks.

For 16 years, from 1890 to 1906, Yosemite was a mountain national park surrounding a badly managed state park in the valley. Robert Underwood Johnson, editor of Century Magazine lamented in 1890: “It is too evidently true that the artistic instinct—if it has ever existed in connection with the management of the Valley—has been sacrificed to the commercial.” After an inspection in 1892, a special agent of the U.S. General Land Office reported, “Speculation, traffic, and gain are the dominant features of the management. . . . In my opinion the State of California should be asked to relinquish this trust” (Ise 1961: 73).

Likewise, a report of the Secretary of the Interior in 1892 declared that the “Hotel charges were high, for primitive accommodations, the charges for stabling or hiring vehicles or saddle animals way beyond all reason, and as a result the park was inaccessible except to persons of ample time and means” (Ise 1961: 73). Why these apparently high prices should have been (or should be now) of any concern to the federal government is a matter for public policy evaluation and debate (see Quinn 1996, 1997, 2000). Let it suffice to say that the issue has been addressed by the U.S. Supreme Court with regard to similar enterprises, and agency oversight of pricing has been deemed not only appropriate but a legal obligation. In any case, the pricing at Yosemite obviously distressed the Secretary of the Interior who laid the blame largely on the Southern Pacific Railroad Company, which controlled the Yosemite Stage and Transportation Company and tried to monopolize transportation into and within the park (Ise 1961: 74). (It will be shown that in subsequent years, the agencies themselves established such monopolies, often without concern over the resulting prices charged to the public.)

Eventually, through the urgings of John Muir, the Sierra Club, and other civic organizations, the Yosemite Valley was returned to the federal government in 1906. Governor Pardee of California favored the recession, as did many other citizens of California, “for the administration of the park—even poor administration—was expensive” (Ise 1961: 74).

Upon return of the valley to the federal government, President Theodore Roosevelt and John Muir visited the park together in 1906. They were disturbed to find 27 concessions in operation with great discrepancies in the fees charged and types of services provided. By 1908, (under direction of the Secretary of the Interior) the number had been reduced to 19 and some consistency had been achieved (Mantell 1979: 9). During this period, reliance had been on competition to meet the visitors’ needs. This was soon to change, once again.

Although there is considerable overlapping of national park and national forest history during these early years, we discuss the two separately. In the next section, we break the park discussion to trace the concurrent origins of the national forests and their administration.

The Dawn of Forest Management (1890–1910)

By the late 19th century, much of the public domain had been claimed under various provisions of the Pre-emption Act of 1841, the Homestead Act of 1862, the Mineral Land Act of 1866, and the Desert Land Act of 1877. Although each of these laws may have had some merit, fraud and abuse were widespread. Gifford Pinchot in "Breaking New Ground" (1947) laments the loss of prime public lands through a series of highly imaginative schemes and scams. He noted that under the mining laws, alleged mineral lands were "taken up for every imaginable purpose except mining" (p. 81). The result being that "the vast common heritage of land . . . followed, in huge quantities, into the crooked, mercenary, and speculative hands of companies, corporations, and monopolies" (p. 82).

Concerns over these "land-grabs" led in part to the national park idea and eventually, in 1891, to the creation of the Forest Reserves. Through an amendment, "only a few lines added to an omnibus land law revision in conference committee" (Ise 1961: 48), Congress authorized the President to create Forest Reserves without requiring Congressional approval. It was the most important legislation in the history of forestry, if not public land management in general, and it "slipped through Congress without question and without debate" (Pinchot 1947: 85).

The lands to be set aside should be "public lands wholly or in part covered with timber or undergrowth, whether of commercial value or not" (Robinson 1975: 6). There was no specific provision for management of timber, grazing, mining, or recreation. The presidents lost no time in exercising their new authority. Before leaving office in 1893, President Harrison created reserves of more than 13 million acres. Cleveland created two additional reserves in 1893, totaling 4.5 million acres. He refused to add more until Congress made provision for the management and administration of the reserves.

This led to the appointment by the Secretary of the Interior, through the National Academy of Sciences, of a National Forest Commission of seven "experts" to study the issue and make recommendations to Congress. Included among the seven was a young forester named Gifford Pinchot. His account of the commission makes it clear that he did not consider each of his six associates "expert" on the subject of managing the Forest Reserves (Pinchot 1947: 86–96). Nonetheless, the commission released a report in early 1897 recommending the establishment of 13 additional or enlarged reserves and advised the establishment of an administrative agency to oversee the reserves, to create fire prevention programs, and to regulate grazing, mining, and removal of timber. Impressed with these recommendations, Cleveland promptly established the proposed reserves, covering over 21 million acres (Robinson 1975: 6).

Owing to a huge outcry of opposition from the Western States, Congress passed, and the President signed, a bill suspending the forest reserves for 9 months. However, the June 4, 1897, act enacted into law much of what was recommended by the National Forest Commission. The Pettigrew Amendment to the Sundry Civil Act became known as the Forest Management Act of 1897 and is now generally referred to as the Organic Administration Act of the Forest Service. Pinchot praised the

act, noting that it did two “essential things: it opened the Forest Reserves to use; and it cleared the road to sound administration, including the practice of Forestry” (1947: 116). Still, Pinchot was not satisfied.

The 1897 act granted to the Interior Secretary the authority to protect and administer the reserved public forests. “Unfortunately,” Pinchot complained, “the Interior Department, with its tradition of political toadeating and executive incompetence, was incapable of employing the powers the Act gave it” (p. 116). Although a highly skilled politician (he later was a two-term governor of Pennsylvania), Pinchot minced no words when the subject was the Department of the Interior.

Interior’s General Land Office was given responsibility for administration of the reserves. Up to this point, its major obligations were related to disposal of the public domain, and it had no foresters or skilled land managers on its staff. By 1901, a Division of Forestry had been created within the Land Office, and the staff had grown to over 400 (Robinson 1975: 7). But problems continued to plague the management of the reserves, and after several years of power-playing and political bickering, the administration of the 85.6 million acres of forest reserves was transferred in 1905 to the Department of Agriculture’s Bureau of Forestry, headed by Gifford Pinchot. Not coincidentally, Pinchot was a close associate of President Theodore Roosevelt. The name of the agency was changed to the Forest Service, and soon thereafter the reserves became known as the national forests.

By the end of the Roosevelt administration, the gross acreage within the National Forest System had grown to 194.5 million acres (after subtracting private inholdings, net acreage was 168.0 million). Under Pinchot and Roosevelt, active federal management of the forests was established. The “Use Book” (the first Forest Service manual) directed that “the timber, water, pasture, mineral and other resources of the forest reserves are for the use of the people. They may be obtained under reasonable conditions, without delay. **Legitimate improvements and business enterprises will be encouraged**” (emphasis added). Considered in a broader context, this may be the first administrative reference to encouraging development of recreation facilities for profit in the national forests. The first Congressional recognition of the role of recreation in or adjacent to the forest reserves came in 1899, when the Secretary of the Interior received authorization to rent or lease forest reserve grounds adjacent to “mineral, medicinal, or other springs” for sanitariums or hotels “where the public is accustomed or desires to frequent, for health or pleasure” (quoted in USDA FS 1988: 123). Still, this was not a major emphasis of forest management under Gifford Pinchot.

This is not to say that recreation enterprises were absent from the forests. An estimated 410,000 visitors to the national forests in 1909 led Harper’s Weekly to conclude that the national forests are “fast becoming great national playgrounds for the people.” The article went on to conclude that the day of the “National Forests as productive resources and as National Parks” is approaching (USDA FS 1988: 124). It is unlikely that Pinchot was elated by the analogy to the national parks. He saw recreational use of the forests as a secondary (but albeit compatible) benefit of overall utilitarian forest management. To Pinchot, parks largely represented poorly managed, wasted resources.

With national forest recreationists came the inevitable entrepreneurs hoping to profit from the public lands. In many cases, the most expedient way to profit was to transfer those public lands to private hands. As noted earlier, this was often accomplished

through abuse of the federal mining laws. Perhaps nowhere was this abuse more evident than along the Grand Canyon. The canyon and the surrounding lands were part of the forest reserve system until 1905 when Congress designated the area as a national monument. The monument remained under the administration of the Department of Agriculture (Forest Service) until 1919 when the Grand Canyon National Park was created, transferring more than 650,000 acres of the Kaibab and Tusayan National Forests to the Interior Department. The transfer apparently had the approval of Forest Service personnel in the Southwest Region, who, as was true with Forest Service personnel elsewhere, "remained uncomfortable with the idea that recreation was an important or primary use of national forest resources" (USDA FS 1988: 124). (There were noteworthy exceptions, however, where recreation was a focus of forest managers. For example, in 1914 the Secretary of Agriculture set aside 17,670 acres in the Oak Creek Canyon area near Sedona, Arizona, as a special project for "scenic, fishing, and other recreation values" (USDA FS 1988: 124).

The Grand Canyon was home to one of the classic public land schemers, Ralph Cameron. Cameron was a member of an early Arizona pioneer family and one of the first tourist guides in the Grand Canyon. In 1901, he used the laws to his advantage and acquired toll rights to the Bright Angel Trail, the principal path down into the canyon. As relayed by Sax (1981: 3), "The dollar he charged each visitor and the poor service he provided were the mildest of his transgressions. Smelling bigger money, Cameron plastered the canyon with specious mining claims, ultimately totaling 13,000 acres of the most significant sites, from which he hoped to make his fortune as the man who owned Grand Canyon. . . . Cameron's mining claims were palpably false, but for nearly two decades he fought the government's efforts to invalidate them. He took his case all the way to the Supreme Court, which finally ruled against him." Cameron was elected U.S. Senator from Arizona and reportedly used his position to protect his private interests (Sax 1981: 3).

The Cameron case perhaps represents the extreme, but it was not a unique example of unscrupulous business dealings by early public lands entrepreneurs. They presented just one more challenge for the administrators of the national forests. Just as for timber, grazing, and mining, the difficulty came in meeting the "Use Book" mandate of "encouraging legitimate improvements and business interests" while protecting the resources and providing for the public interests. No easy task in 1905, and no easy task today.

Of further relevance to this study is the "Use Book" quote that "the administration of forest reserves is not for the benefit of the Government, but of the people. The revenue derived from them goes, not into the general fund of the United States, but toward maintaining upon the reserves a force of men organized to serve the public interests" (Pinchot 1947: 266). This is generally not the case today.

In 1910, only 5 years after being named the first Chief Forester of the Forest Service, Pinchot was dismissed by President Taft for publicly criticizing Secretary of the Interior Richard Ballinger over his handling of alleged fraudulent mining claims in Alaska (Pinchot 1947). By then, Pinchot's utilitarian philosophy was indelibly imprinted on the Forest Service, leading at times to conflict and at times agreement with the prevailing thinking guiding the management of the national parks.

A New Management in the Parks: The National Park Service (1916–1930)

Despite the growth in the number and size of the national parks and monuments, until 1916 there was little to no central administration of the system. The Secretary of the Interior was unable to devote much time or energy to park management; consequently there was great discrepancy in how the parks were run. Shankland (1951: 104) noted: "The concessioners operated under widely variant regulations from park to park. The division of authority among the parks, and even inside a single park, came close to chaos." Further, the lack of centralized direction resulted in parochial interests fighting for establishment of parks and for appropriations to run them.

Thus emerged the movement to create the National Park Service. The Forest Service was said to be opposed to such a new agency. Chief Forester Graves, successor to Pinchot, apparently had a notion that the national parks should be combined with the national forests in some way, under control of the Forest Service (Ise 1961: 188). Nonetheless, on August 25, 1916, President Wilson signed legislation establishing the National Park Service. Even after enactment, debate still continued over the appropriate administration of the national monuments, including the Grand Canyon, which were generally managed by the Forest Service. The House Committee on Public Lands eventually agreed that the transfer to the Park Service should be made "immediately or very soon" (Ise 1961: 190). (In actuality, many of the monuments were administered by the Forest Service until 1933; four national monuments remain under Forest Service management through cooperative agreement with the National Park Service).

The new park agency needed a strong-willed, energetic first Director, and that is exactly what it got in Stephen T. Mather. Secretary of the Interior Franklin Lane had lured Mather away from private industry (where he had made a fortune in the borax business) to serve as his Assistant Secretary in 1915. When offered the Directorship in 1916, Mather enthusiastically embraced his new challenge of leading the fledgling National Park Service.[2]

Among the policy guidelines, which were relayed to Mather by Secretary Lane in 1918, were a few points of particular relevance:

> Private holdings should be eliminated; low-priced camps and high-class hotels should be maintained; concessioners should be protected against competition if they were giving good service; and they should yield a revenue to the government, but the development of the revenues should not impose a burden on visitors; the Service should use the Railroad Administration to advertise the parks and should cooperate with chambers of commerce, tourist bureaus and auto-highway associations to advertise travel to the parks (Ise 1961: 194).

These guiding directives (presumably written by Mather) were to set the stage for the rapid development of the national parks in the 1920s.

Mather and his Assistant Director, Horace Albright, were consummate salesmen and promoters. They saw it as their job to "sell" the national parks to the American public, and sell they did. They were particularly effective at using whatever resources were at their disposal, and principal among those resources were the wealthy railroad companies. They persuaded Western railroad officials to help in advertising the parks

[2] Shankland (1951) gives an excellent account of the life and times of Stephen Mather.

and to provide accommodations in the parks. As noted earlier, some of the railroad companies had been involved with park recreation services since the 1880s. The Santa Fe had built the El Tovar Hotel at the Grand Canyon in 1904, the Great Northern had provided accommodations and other tourist facilities in Yellowstone and Glacier, and the Union Pacific was involved at Zion, Bryce, and the north rim of the Grand Canyon. Apparently unable to foresee that most visitors would soon be coming in automobiles (or perhaps despite that fact), the railroads were enthusiastic about helping to develop the park tourist traffic.

Mather clearly understood that bringing more tourists—satisfied tourists—to the national parks was important for gaining Congressional support for new park acquisitions and increased appropriations. He saw the railroads as one of the most reliable sources of capital necessary to provide high-quality visitor accommodations. As Zaslowsky (1983) observed, "Before Mather, providing food and lodging in the parks was a slapdash affair intended to make the wildest places mildly hospitable and to produce enough revenue to pay for the work of preservation. Apparently, Congress liked the park idea as long as it didn't cost anything. In any case, government-run vacation facilities smacked of a paternalism that made Americans queasy. With plenty of encouragement, private enterprise came to the rescue." Zaslowsky perhaps overstates Mather's influence a bit given that such grand hotels as the El Tovar were in place well before 1916, but his role certainly was critical in continuing to attract private capital while concurrently increasing federal appropriations.

In retrospect, Mather and Albright may have taken their park development philosophy beyond what most would now consider reasonable. Indeed, as early as 1924, the National Conference on Outdoor Recreation expressed the concern that the Park Service was intent on turning the parks into the "people's playground." In fact, Mather himself used the term in drawing distinction with the Forest Service in contending that the parks were "more truly national playgrounds than are the forests" (Sellars 1997: 58). Yet the purpose of the National Park Service, as defined in its founding legislation, is "to conserve the scenery and the natural and historic objects and wildlife 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" (USDI 1992, app. 7). This presents a challenging balancing act in the best of times. At this early stage of park management, Mather and Albright apparently were convinced that the way to provide protection (largely measured by increasing acres in the system and size of appropriations) was to develop services and accommodations for visitors at the parks. Perhaps Mather's personal philosophy was best summed up in his oft-quoted remark that "scenery is a hollow enjoyment to a tourist who set out in the morning after an indigestible breakfast and fitful sleep on an impossible bed" (Hummel 1987: 25).

Mather's priority to develop tourist facilities is again clearly displayed in his comments on Yellowstone: "Golf links, tennis courts, swimming pools, and other equipment for outdoor pastime and exercise should be provided by concessions, and the park should be extensively advertised as a place to spend the summer instead of five or six days of hurried sightseeing" (Ise 1961: 198). In a similar vein, Horace Albright, as superintendent of Yellowstone in the 1920s, developed a miniature zoo as one of the park's feature attractions. His philosophy was that visitors had a right to see wildlife whenever possible. Corrals were built to house bison, deer, elk, coyotes, bears, porcupines, and badgers. Bear-feeding stations near the park's hotels provided nightly entertainment to a seated audience as the bears fed on food scraps and garbage from the

hotel dining rooms (Mantell 1979: 14). Examples such as these raise many pertinent questions regarding the government's role in regulating the activities of private enterprise, and, in a broader context, the agencies' role in dictating public taste.

The Emergence of Regulated Monopolies in the Parks

Among Mather and Albright's most lasting contributions to national park policy was the concept of the "regulated monopoly" concessioner. These businesses were, however, often long on monopoly and short on regulation. The general theory for some years prior to Mather had been that competition should be depended on to keep prices down and the quality of services up. This resulted in so many concessioners in Yellowstone and Yosemite that few of them realized much profit even while rendering poor service (Ise 1961: 209). Mather was convinced that the concessioner system in the parks must be changed.

As one staunch Mather supporter put it:

> In one of the great ironies of American history, Steve Mather, free enterpriser par excellence, decided to establish a regulated monopoly system for the national parks. . . . Realizing that some order had to be brought out of the confusion . . . , Mather settled on the ideal plan to license one prime concessioner for each park—a regulated monopoly (just what the Congress forbade after the 1882 Yellowstone failure). Mather realized that any time the word "monopoly" rustled through Congress in connection with park concessioners, he could expect roars of outrage. Americans had learned to detest monopolies. Mather, as the prime mover of park policy, knew he had to get his arguments lined up in a defensible form (Hummel 1987: 56).

And so he did; one important defense was that these monopolies would be regulated as were other public utilities. Mather and Albright were well aware of the relative success of the few "near-monopoly" national park concessions, which were generally operated by the railroad companies. They hoped to reproduce this strategy in other parks. Mather believed that the federal parks were perfect settings for regulated monopolies. He had personal experience with Chicago municipal reform societies that advocated regulated telephone monopolies (Shankland 1951: 118). Public utilities were generally considered "natural monopolies" by most economists at the time; to Mather, national park recreation concessioners were simply another form of public utility. (This point is discussed in considerable detail in Quinn 2000.) He made it clear that concessioners willing to operate under the regulated monopoly system would not only be interested in profits, but would also have "to possess a strong sense of park values and public service" (Hummel 1987: 57).

Mather pursued his "public utility" policy with characteristic fervor. It is not by accident that Mather never once used the word "concessioner" as a heading for the concession section of his annual reports to the Secretary of the Interior, instead titling the subject "Public Utility Services." The use of this heading continued until 1934, 6 years after Mather's tenure ended.

In a classic case of putting one's money where one's mouth is, Mather was known to loan concessioners personal funds in order to assure the success of his policy. When the Yosemite National Park Company found itself on shaky financial ground in 1918, "Mather recklessly loaned them two hundred thousand dollars out of his own pocket at five percent. This gave his political enemies something to think about, but no one ever pressed the issue" (Hummel 1987: 63).

By 1928, Mather had given official approval to the policy of preferential contract renewal rights for concessioners, and in that year he convinced Congress to authorize the Secretary of the Interior to grant concession contracts without advertising and without securing competitive bids (Ise 1961: 211). Mather's regulated monopoly policy had gained the status of law, and it has since remained in place in one form or another, although it is no longer identified as such.[3]

The concessioners of Mather's day warmly embraced the regulated monopoly idea. It soon became evident, however, that it was the "monopoly" aspect of the policy that comforted them, not the "regulation." Don Hummel, voice of the concessioners for many years, would have us bestow sainthood on Mather for implementing the regulated monopoly concessions policy. Yet only 4 years after Mather's death, Hummel was outraged that the National Park Service contract provisions were "completely one-sided." He laments that "the Park Service could tell us when to open and when to close the season. They could tell us how much to charge for accommodations. They could tell us what kind of facilities to build and when and where to build them" (1987: 86). Given Hummel's apparent shock at these provisions, one cannot help but wonder exactly what the concessioners thought the "regulated" aspect of the national park monopolies was all about.

Mather's contributions to the national parks and the agency that administers them have been substantial and long lasting, and on occasion controversial.[4]

Recreation Use Grows in the National Forests (1915–1960)

The advent of the automobile combined with post-World War I prosperity brought on a surge in recreation use of the national forests as well as the national parks. The Forest Service could no longer ignore recreation as an important component of overall forest management. Perhaps indicative of the new recreation consciousness, in 1924 the agency began keeping data on recreational uses and visits to the national forests.

A 1915 act of Congress (The Term Permit Act) authorized the Forest Service to permit privately owned recreation facilities on the national forests under special use permits, the first substantial Congressional recognition of the role of private recreation development in the forests. The act gave the Forest Service authority to lease national forest land to private persons or associations for the construction of summer homes (which the Park Service forbade), hotels, stores, or other recreation-related facilities. For years, the private capital attracted by this legislation was the only source of financing for developed recreation facilities.

Mather had publicly opposed Forest Service appropriations for recreation, believing that all such funds should go to the national parks. In response to the proposal that the Forest Service should be considered for park as well as forest management, Mather argued that such a strategy would destroy the parks, given that the Forest Service was engaged in "commercial exploitation of natural resources" (Sellars 1997: 58). During this same period, Secretary of the Interior Albert Fall was attempting to gain control of the Forest Service. As an initial step toward that goal he proposed that the National Park Service administer the recreation program on the national forests. William

[3] No recent National Park Service policy statements explicitly recognize the regulated monopoly and public utility character of recreation enterprises.

[4] Mather died in 1930 at the age of 63, after 12 years as the first Director of the National Park Service.

Greeley, then Chief of the Forest Service, labeled Fall's suggestion as "absurd and impossible" (Steen 1976: 158). Not until 1923 did the Forest Service receive an appropriation for recreational facilities ($10,000), and it was earmarked only for "sanitation" (Robinson 1975: 121).

In some cases, the eagerness of the Forest Service to entice private capital rivaled that exhibited by Mather and Albright at the National Park Service. Generally speaking, the resort-quality destinations of the time were found on the national parks. However, one would typically have to cross national forest land to reach the parks. Developing and controlling this access presented an opportunity. This situation did not escape the notice of entrepreneurs interested in cashing in on the increasing popularity of the automobile. One means of doing this was the toll road.

The issue of entrepreneurs providing and charging for access to federal lands presents some special challenges for policymakers to this day. An early example occurred in 1916, when J.W. Weatherford secured a permit to build a private road from Flagstaff northward near the San Francisco Peaks toward the Grand Canyon. A second permit was issued in 1920 to Weatherford's San Francisco Mountain Scenic Boulevard Company. Construction began about 1919, and the road was completed in 1926. It operated as a toll road until 1934, when it was forced to suspend maintenance because of declining revenues, no doubt resulting from the Great Depression. After extended study and negotiations, the toll road permit was terminated by the Forest Service in 1938 upon payment of $15,500 to Weatherford's sister, acting president of the San Francisco Mountain Scenic Boulevard Company, as compensation for the improvements (USDA FS 1988: 127).

It certainly can be argued that without the financial incentive presented to Weatherford, this useful road would not have been built by the government for many years. However, many U.S. citizens find something disquieting about the notion of a private businessman profiting by his "right" to deny access to public lands to those that do not meet his price. Toll roads were a commonly recognized public utility subject to regulation in other areas of the country. For some reason, this philosophy was not adopted by the Forest Service. To some degree, similar scenarios can be found today.[5]

The New Deal programs of Franklin Delano Roosevelt's administration resulted in the first significant public investment in recreation on federal lands. The Works Progress Administration (WPA) and Civilian Conservation Corps (CCC) "swarmed over the forests, parks, and other public lands, fought forest fires, built trails, planted trees, and constructed campgrounds and other recreational facilities" (Robinson 1975: 12). Many ranger stations and supporting facilities also were built by the CCC in the 1930s.

Civilian Conservation Corps roads and recreation facilities were used by an increasing number of visitors, despite the continuing Depression. Total recreation visits surged from 6.9 million in 1930 to 18 million in 1941 (USDA FS 1988: 130). This increase was at least in part owing to the relatively low cost of national forest recreation activities during the lean years of the Depression. Unlike today, there was a clear recognition by the agency at this time that they had a responsibility to regulate prices of recreation services on the forests. An agency document detailing the "Basic Principles Governing

[5] Mass transit systems put in place in lieu of personal vehicle use present many of the same characteristics of a "toll road." An example is reviewed in detail in Quinn (1996).

Recreation Management on the National Forests" directed that "the Government will install and operate simple, moderate-rate resorts in order to insure appropriate and timely developments and provision of adequate service at the lowest feasible rates. Where public funds are not available for this purpose, such installations will be permitted by private enterprise, **but under permit requirements which retain government control of the type of development and the quality and cost of services rendered**" (USDA FS 1940: 21, emphasis added).

During this period, there was a growing recognition by the Forest Service of the significance of the national forests in the provision of outdoor recreation. A 1940 agency publication noted: "The job of general recreation is gradually being accorded the same basic importance as that of general education. It has become a public responsibility, recognized alike by county, state, and Federal Governments" (USDA FS 1940: 35). This same publication relays some of the mood of the agency personnel at the time:

> It is by no means the general disposition of professional foresters to hold out their hats for more money to be used for a more elaborate extension of public recreation structures and facilities. Foresters in general do not yearn to go any deeper into this socialized recreation business; but the push is on, strongly, plainly, not much in lobbies, or in the organs of public opinion, or in Congress and the State legislatures, as in an actual pressing swarm of the people, themselves. . . .
>
> These are the people's forests. They need and have the right to use them for their pleasure. Foresters make them welcome, and are really glad to have them come. Most of them fall within the lower income brackets. The public forests offer the only chance for many of them to get some change and rest. And it is conceivable that the restoration of health and spirit which forest outings visibly produce will be worth as much to the Nation in the end as all the material national-forest crops (USDA FS 1940: 36).

This early recognition of the social importance of national forest recreation is worthy of contemplation in today's climate of entrepreneurial concessioning of forest recreation opportunities. The passage also is indicative of the emerging role of recreation as an integral aspect of the "forester's" job.

Roosevelt's Interior Secretary Harold Ickes apparently grew envious of the Forest Service's rapidly expanding land base and scope of responsibility. He proposed to merge the Forest Service with the land management agencies in the Interior into a "Department of Conservation," to be headed by Ickes. (It was not the first such proposal and certainly not the last. Rumblings of this sort are common today.) Based largely on the argument of government efficiency and minimization of waste, a presidential commission on government reorganization (the Brownlow Commission) recommended in 1938 that a Department of Conservation be created (Robinson 1975: 13). Despite the lobbying of Ickes, nothing was to come of the recommendation. The coming of the Second World War and the powerful behind-the-scenes influence of Gifford Pinchot both undoubtedly had something to do with the Forest Service retaining its autonomy in the Department of Agriculture (Albright 1985).

Recreational use of the forests plummeted during the war years, only to boom in the postwar era. By 1946, recreation visits to the national forests had recovered to the 1941 prewar level of 18 million. By 1961, use had grown to over 100 million, a fivefold

increase in 15 years (USDA FS 1988: 131). Unfortunately, recreation appropriations did not mirror recreation use. By the late 1950s, CCC-era facilities were inadequate and rapidly deteriorating. Private recreation investment seemed to be largely focused on meeting the growing demands in the national parks. The Forest Service looked to alternative means of funding such as cooperative ventures with local governments. As an example, Pima County, Arizona, placed $25,000 in a cooperative fund for development of recreation areas in the Santa Catalina Mountains adjacent to Tucson. Despite these innovative approaches, recreation funding had once again taken a back seat to national forest commodity production, primarily timber, as the Nation looked to its forests to satisfy its growing resource needs. Eventually, in the late 1950s and early 1960s, the Forest Service was lobbying for Congressional approval of its emergent role in outdoor recreation, particularly to protect itself from being "preempted by a rapidly growing (sometimes at the expense of the Forest Service) Park Service" (Robinson 1950: 120).

Conflicts between the two agencies escalated over the appropriate role of each in recreation planning for the federal lands. The Park Service staff apparently believed its authority for overall planning extended to the national forests. (Mather had expressed this view as early as 1921). In a 1957 memorandum to the Secretary of the Interior, Agriculture Secretary Ezra Taft Benson articulated the Forest Service position:

> [There is an] understandable desire on the part of the National Park Service to exercise leadership in the planning of recreation on public lands. . . . The Act of June 23, 1936 (49 Stat. 1894) directs the National Park Service to undertake the planning and development work in Federal lands and to cooperate with State and local agencies, but all lands under the jurisdiction of this Department are exempted from the provisions of that Act.

Benson went on to explain that recreation planning for national forests was a different situation than for other public lands because they are managed for multiple use, "and that job is logically one for the Forest Service" (USDA FS 1988: 135). Benson's memo is representative of a philosophy that began with Pinchot and continues today. That philosophy contributed to the divergence between the Forest Service and Park Service in legislation and policy regarding concessioner management.

Ski Areas on the National Forests

The management of ski areas presents unique challenges for Forest Service managers and policymakers warranting a brief introduction in this historical overview. These challenges have escalated in recent years as skiing has come to mean much more than just a series of ski runs and lifts, now encompassing a range of recreational experiences including resort hotels, fine dining, and nightclubs. In general, this is a relatively new phenomenon, but skiing on the national forests has been an accepted activity since the 1920s, growing greatly in popularity in the 1930s as access to the forests was improved.

Winter sports very nearly emerged as a significant aspect of national park management as well. Consistent with their philosophy of tourism development throughout the 1920s, Mather and Albright were enthusiastic supporters of a winter resort proposal for Yosemite National Park. In fact, Albright aggressively pursued bringing the 1932 Winter Olympics to Yosemite, a proposal which would have required extensive development within the park had Lake Placid not been selected in its place (Sellars 1997: 63). Similar development proposals were championed at Rocky Mountain

National Park. Although ice rinks, toboggan runs, and modest ski runs were present in several parks, winter sports resort development never grew at the pace envisioned by Albright. Focus shifted to the national forests.

The early years of national forest skiing are looked back on with some nostalgic fondness by "purists" of the sport. For the most part, the many ski areas permitted by the Forest Service (in 1941 the agency reported 254 winter sports areas) were developed and operated by local ski clubs and civic organizations (USDI 1992, app. 9: 2). Rates for skiing at these areas generally ranged from 50 cents to $1 for a day and up to $5 for a season pass. Permit fees charged by the Forest Service were either absent or insignificant (USDA FS 1988: 137).

As evidence of just how far the agency has come in permitting major recreational developments, consider the following account on skiing from a 1940 Forest Service publication:

> The present policy of the Forest Service is to permit local clubs to install simple tow rigs, and some few permits have been issued to special-use commercial operators who agree to erect their equipment in inconspicuous locations.
>
> Some of the ski tow outfits installed on the national forests are as much an expression of native genius and inventiveness as were the first car trailers. They do not cost much; they give a great deal of pleasure. . . . **But it must be admitted that none of them is beautiful, or harmonious with the forest atmosphere** (USDA FS 1940: 131, emphasis added).

Coming as it did, from a forester long before the environmental consciousness era of the 1960s and 1970s, this statement is rather remarkable in its concern over the incongruity of some very modest ski improvements. Such concerns are very much in evidence today, indeed they are required by the National Environmental Policy Act; but agency approval of major developments indicates that we have been operating from an entirely different scale of reference than in 1940.

There were early exceptions to these sleepy, minimal development areas, however. Most of these involved a mixture of both private and public lands, as is often the case today. In 1936, Sun Valley, Idaho, opened to much fanfare and celebrity attraction. A portion of this area was on national forest land. Another example of early winter and summer resort development was on Mount Hood in Oregon. In 1926, plans were submitted to the Forest Service by a private entrepreneur hoping to develop a modern hotel lodge on the mountain, as well as chalets for a ski club and a mountain climbing club. At the same time, another private company submitted plans for a hotel and a tramway to the top of Mount Hood. After much controversy and public debate, a special-use permit was issued in 1930 to the company whose proposal included the tramway. Given the deepening economic depression, the timing couldn't have been worse, and there was no financial backing for the project. However, in an unusual (and subsequently investigated) expenditure of public funds, the Works Projects Administration constructed Timberline Lodge in 1937 and transferred ownership and administration to the Forest Service (USDI 1992, app. 9: 1–2). (Timberline is one of two National Historic Landmark structures in the National Forest System, the other being Pinchot's home, Grey Towers, in Pennsylvania.)

Private concessioners in other locations, most notably at Mount Rainier in Washington, were apparently upset about the Timberline Lodge project. Paul Sceva of the Mount Rainier National Park Company (which Mather had helped put together in

1915) complained that he did not think it proper for the government to use relief funds for a hotel to compete with private lodges (Hummel 1987: 112). In a strange irony, the WPA investigator on the case was Don Hummel, later to become a major national park concessioner and industry spokesman. His alliances with the concession industry were already strong at this early point in his varied career. Among other allegations, he charged that Regional Forester C.J. Buck had arranged a "secret agreement" with Jack Meier, of Meier and Frank Department Store in Portland, to operate Timberline Lodge after its completion (p. 112). No formal charges were brought, and the contract to run the lodge was put out for public bid in 1937. Since that time, Timberline Lodge and associated lifts have been operated and maintained by a concessioner under special use permit from the Forest Service.

Despite the exceptions, in the mid-1950s winter sports developments had not changed substantially from the rather informal, noncommercial, club-oriented pattern set before World War II. Late in that decade, commercial interests began to see the potential for profit from the growing popularity of skiing. The sport of skiing began to change radically as large new lifts were built along with a full host of related services, such as hotels, restaurants, snowmobiles, hot tubs, and so on. Prices soared.

Partially in response to ongoing criticism of the industry and the minimal amount of their receipts returned to the federal Treasury (less than 2 percent of gross revenue), Congress passed the National Forest Ski Area Permit Act of 1986. This act extended the maximum length of ski area permits from 30 to 40 years to encourage investment, but did little to silence the critics, as evidenced by subsequent General Accounting Office reports. Some vocal opponents of national forest ski areas have questioned the necessity of the intensive ski resort development on national forest land, noting that while skiing itself may be dependent on the mountainous terrain of the federal lands, most of the adjoining commercialism is not (see for example, Sax 1980). This argument could be applied to more than just ski areas, of course. The debate over the degree to which continued commercial recreation development should be encouraged and permitted on national forest lands was heating up.[6] This debate had started much earlier on the national parks.

The National Park Service (1930–1960)

Whereas the period from 1930 to1960 saw the Forest Service gradually emerging as a major player in the provision of recreation services, it was also a time of continuing growth and development of the National Park System. Entrepreneurs had embraced the notion of Mather and Albright's "regulated monopoly public utilities," especially as the degree of regulation was often limited. This was about to change, however, with the arrival of Franklin Delano Roosevelt's Interior Secretary Harold Ickes. (Ickes, you will recall, had ideas of heading the Forest Service-enveloping Department of Conservation, which never materialized.)

Ickes presided over a time of apparent contradiction for the National Park Service. Until 1940 (when Newton Drury was appointed Director of the National Park Service), the agency was accused by preservationists of "selling out" to development interests and recreation in general and not focusing on their role as guardians of the parks. When Drury, former director of the preservationist Save-the-Redwoods League, took charge in 1940, he expressed dismay at how things had been run for the previous

[6] The $12 million arson at the Vail Ski Resort in Colorado in 1998 is an extreme example of the growing opposition to public land resort development.

decade. He was said to be repelled by what he termed the Service's "cheap showmanship" in its efforts to increase park use. He summed up his views thus: "I firmly believe . . . that the intent of the Basic Act of 1916 which created the National Park Service was to establish it primarily as the custodian of the masterpieces of nature" (Foresta 1984: 48).

So here we have the newly appointed National Park Service Director in 1940 blasting the developmental bias of the prior decade, leading business interests to lament the loss of the good old days of the 1920s and 1930s and to accuse the Department of the Interior of selling out to the preservationists. Yet when Ickes, in 1934, stripped the National Park Service of its authority to approve new roads in the parks, he was accused of reserving all approvals to himself as an "anti-road, aesthetic purist more strikingly similar to modern environmentalist approaches" (Hummel 1987: 103).

To be fair, these differing perceptions of the park administrators and their motives did not begin or end in the 1930s. Mather himself may have been the ultimate paradox. Although widely recognized as a master promoter of private development in the parks, he still viewed himself and was commonly viewed by others as the great protector. In 1919, with his own money, he established the National Parks Association "to defend the national parks and national monuments fearlessly against the assaults of private interests and aggressive commercialism" (Frome 1992: 211). When the new association became a bit too "fearless" and began to criticize National Park Service policies, Mather withdrew his support. It is unknown whether Mather saw any contradiction between his ambitious goals for park development and concessioners and his stated goal of the National Parks Association.

Of principal concern to the private concessioners of the 1930s was Secretary Ickes' purported plan to nationalize all park concessions in a major reversal from the Mather philosophy. Ickes was convinced that the public interest would be best served by public ownership of recreation enterprises. As reported by Hummel (1987: 105), "Even though it had become obvious he did not have the political clout necessary to pull it off … Ickes had a reputation for getting things done circuitously if he could not act straightforwardly. If he couldn't talk Congress into taking over private concessions immediately, he'd find a way to slowly ease them out, and that way seemed to be the authorization of not-for-distribution-of-profit concessioners."

In 1936, word went around the Conference of National Park Concessioners that Interior Secretary Ickes had a hand in setting up a nonprofit organization to operate concession services for the public in the National Capital Parks in Washington, DC. This nonprofit was paying one-half of its net proceeds directly to the federal government with the remaining half to be used for "welfare and recreational purposes within the District of Columbia" (Hummel 1987: 107). Although this may sound like a noble and legitimate goal, the concessioners were agitated by the emerging role of nonprofits. Hummel's account relays the mood of the businessmen:

> More disturbing was the news that Mammoth Cave in Kentucky had been taken over by a non-profit concessioner. . . . All the concessioners were uneasy about a non-profit concession company. It looked too much like Ickes was sneaking his nationalization plan in the back door. All the profits from the Mammoth Cave Operating Committee were donated to the United States for the purpose of additional land purchases to complete the Mammoth Cave National Park (p. 115).

The agency-supported nonprofit, National Park Concessions, Inc., began operating the public facilities at Mammoth Cave in 1941. By 1944, they operated wartime concessions at Isle Royale, Rosemary Inn at Olympic National Park, and the Vanderbilt Inn in the Vanderbilt Mansion Historic Site. In addition, they were designated the concessioner at Big Bend National Park in Texas. The corporation's purpose was "to furnish adequate accommodations for the public at reasonable rates and to develop these facilities in the interest of the public welfare" (Hummel 1987: 115). Although there is nothing overtly devious in this goal, Hummel voiced the concern that "to free enterprisers, this looked suspiciously like a model for all future national park concessions" (p. 115).

For various reasons, not the least of which was political pressure and the national mood following the Second World War, Hummel's fears proved unfounded. Apparently such remnants of 1930s socialism were not warmly embraced in the 1950s. Additionally, long contract lengths, possessory interest, and preferential rights of renewal made it difficult for an interested nonprofit to crack into the big-time concessions business. However, they certainly remain a viable option to be considered by public lands policymakers and managers.

National park concessioners' fears did not stop with nonprofit competitors. They continued to fret over competition from the federal government itself. As troubling as Hummel found the notion of not-for-profit concessioners, he comments that "**perhaps most disturbing**, the government had built a visitor-use dock [in the mid-1930s] at Colonial National Historical Park in Virginia and a concession building at Shiloh National Military Park in Tennessee. Government ownership of concessions was definitely creeping into the American scene" (Hummel 1987: 115, emphasis added). Critics would certainly wonder exactly what was so "disturbing" about the federal government building a visitor-use dock on public land for public use. This seems a far cry from the more significant social programs instituted under Roosevelt's New Deal. His concerns not withstanding, the government had been in the business of providing campgrounds, picnic areas, and the like for a number of years. Provision of additional services would seem to be a logical extension, particularly at a time when little disposable income was available for the more expensive leisure services provided by for-profit enterprises.

On a somewhat larger scale, and therefore of greater concern to concessioners, in 1937 the National Park Service undertook construction of a hotel at the entrance to Mount McKinley National Park under an allotment of funds to the Alaska Railroad (which itself was government-owned) by the Public Works Administration. Authorization also came in 1937 for remodeling the government-owned Painted Desert Inn at the Petrified Forest National Monument in Arizona, and work continued on the new government-owned concession buildings at Bandelier National Monument in New Mexico. Such actions led concessioners to conclude in the late 1930s, that "concession policy was gradually hardening into the Ickes mold of government-built, government operated services" (Hummel 1987: 115).

Once again, concessioners' fears proved unfounded; although had it not been for the outbreak of the Second World War, it is possible that some federal development of recreation facilities would have continued. To this day, most national park concessions are still privately owned and operated.

The war arrived at a time when National Park Service Director Drury was attempting to initiate substantive change at the agency. He made it clear he wanted only minimal development of visitor facilities in the national parks. His views on major developments were in line with those of Ickes, that is, public accommodations should only be provided when nearby outside enterprise fails to meet public needs (Foresta 1984: 49). Ickes wrote in his 1940 Report that, "In newer eastern park areas, a policy is gradually being formulated whereby only the daytime needs of visitors . . . shall be met by operations within the parks. The Department favors development of overnight accommodations by private enterprise outside park boundaries" (quoted in Hummel 1987: 115). This policy generally took hold in the smaller parks of the Eastern United States but continues to be a source of debate in the West, including but not limited to, Grand Canyon National Park. Ickes and his new National Park Service Director, Drury, had little chance to turn their emerging philosophies into management policies; World War II began the year after Drury took over the National Park Service.

As with the national forests, the postwar era saw both an explosion of use on the national parks and rapidly deteriorating facilities. Attention turned once again to the issues surrounding recreation concessioners. Interior Secretary Julius Krug authorized a Citizens Advisory Group in 1946 to investigate and recommend policies for management of concesssions. In general, the advisory group affirmed the policies of the previous 31 years and recommended government ownership only when private capital could not be obtained (Powell 1984: 76).

In 1949, Oscar Chapman replaced Krug as Secretary of the Interior and made changes in the Department's concesssions policy to make private investments even more attractive to businessmen. Since the regulated monopoly debate of Mather's first years, the National Park Service had a policy of regulating rates charged by concessioners. Chapman wanted it clarified that such approvals should be based on rates for comparable services at similar outside operations but "with due regard to a reasonable profit, taking into account the difficulty and risks of the enterprise" (Powell 1984: 78). This language is consistent with regulatory judicial rulings of the time.

Critics of national parks concessioners persisted, and in 1950 the House Committee on Public Lands scheduled several hearings to address the various legislative proposals for improving concessions policy. Before Congress could act, Secretary Chapman issued a memo to the Director of the National Park Service on May 6, 1950, outlining the Department's revised policies for concessions management.

Although the changes from earlier policy were relatively minor, on July 18, 1950, the House Committee on Public Lands issued a resolution affirming the Secretary's policies. The committee believed that the concessions policy seemed to "adopt the principles of the proposed legislation being considered" and therefore legislative action was unnecessary (Powell 1984: 79).

Throughout the remainder of the 1950s and into the early 1960s, many small revisions were made both legislatively and administratively to the national parks concessions policy (see Mantell 1979: 19–23; Powell 1984: 80–82). Through its "Mission 66" program (Anon. 1956), the National Park Service entered the 1960s with the principles of Mather and Albright largely unscathed. For the most part, the primary elements of their public utility park concessions were still firmly in place, although this language

was no longer in use. Indeed the ambitious development plans of the Mission 66 program necessitated an increasing role for private sector investment, resulting in greatly increased criticism of park commercialization and "urbanization" (Sellars 1997: 185–190). Like the Forest Service, the National Park Service was moving into a period of intensified public scrutiny of all aspects of public land management, and recreation policy was to be no exception.

Turbulent Times for the Forest Service (1960–2000)

With the dramatic rise in timber harvesting in the 1950s, the Forest Service found itself under increasing pressure to protect some remaining tracts of land in their natural state, as "wilderness." Although the agency had administratively taken steps to set aside such areas in the 1920s and 1930s (largely through the urging of such Forest Service managers as Aldo Leopold and Bob Marshall), the concept of wilderness was generally antithetical to the utilitarian, multiple-use philosophy held since Pinchot. Environmentalists were not only lobbying on behalf of additional set-asides, they were convinced that without statutory protection, the existing administratively designated areas might be suddenly made available for timber management.

Concurrently, the Forest Service was pushing for congressional ratification of its longstanding multiple-use philosophy. It is generally acknowledged that the Forest Service dropped its opposition to the proposed Wilderness Act to gain support for the Multiple-Use and Sustained Yield Act of 1960. This law formally recognized the Forest Service's multiple-use mission, including the management of recreational uses of the forests. This cleared the way, after many years of debate, for the passage of the Wilderness Act of 1964, creating a statutory wilderness system that included 9.1 million acres of national forest land. The Wilderness Act also pertained to other federal lands, including the national parks.

For years considered among the best of federal agencies, the Forest Service, by the late 1960s and early 1970s, found itself in the uncomfortable position of being criticized for every move it made. A rash of new laws made the management of the national forests increasingly complex and open to public review. It quickly became apparent that the public was no longer satisfied to allow federal land management agencies to operate in a vacuum; they wanted a say in how their lands were managed. Although much of the controversy centered around the harvesting of timber, recreational development did not proceed unchallenged. The proposed Mineral King development in the high Sierra of California will serve as an illustrative example.[7]

The possible development of the Mineral King Valley as a year-round resort had been discussed as early as 1945, and in 1949 the Forest Service issued a prospectus inviting proposals from private developers. Primarily owing to the high cost of building a 25-mile access road, the Forest Service received no response to the prospectus. Within a few years, ski enthusiasts were urging for development of the nearby San Gorgionio area, which happened to be within a national forest "primitive" area, the administrative predecessor of Congressionally designated wildernesses. Opposition to the San Gorgionio site led to reconsideration of the Mineral King Valley, but no formal action was taken until 1965, when the Forest Service issued a second prospectus for Mineral King proposals. Of the six proposals submitted, four met the minimum requirements of the prospectus (Robinson 1975: 132).

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[7] For a more detailed account of Mineral King, see Sax (1980) and Robinson (1975).

With financial assistance for road construction from the state of California and the federal government, the cost of the access road no longer made the project infeasible. However, the road would need to cross the Sequoia National Park. Opposition to the road and the development from the National Park Service and the Department of the Interior delayed approval for 2 years. Eventually the Forest Service selected the proposal of Walt Disney Enterprises for an extensive development. The project would be designed to accommodate some 8,000 people a day in a valley of about 300 acres. It would include 13 restaurants, a high-capacity gondola, parking for 3,600 vehicles, 22 ski lifts, swimming, tennis, golf, a chapel, a theatre, a conference center, and shops (Sax 1980: 69).

Disney's master plan was approved by the Forest Service in January, 1969, and in June of that year the Sierra Club filed suit to stop construction. The resulting legal battle focused largely on the issue of the Sierra Club's legal standing. The Supreme Court of the United States eventually affirmed the court of appeals ruling that the club indeed did not have standing. Changing tactics, the Sierra Club alleged sufficient injury to individual local club members to warrant a favorable standing ruling and made additional claims related to violations of the National Environmental Policy Act of 1969. The project was eventually dropped.

In addition to the issue of standing as it relates to environmental issues (for which this case became well-known), the Mineral King controversy raised some larger philosophical questions about the appropriate role of public lands in providing for recreation development. Justice Douglas, in his dissent in the Supreme Court's decision, accused the Forest Service of being "captured by special interests." Another critic charged the Forest Service with "bureaucratic empire building" and contrasted its behavior to the conscientious Park Service, which reportedly opposed the development of Mineral King (Robinson 1975: 134). Robinson, in his history of the Forest Service, notes that "to the Forest Service, this last criticism must seem a cruel irony given the fact it is the Park Service that has the history of empire building—generally at the expense of the Forest Service!" (p. 134).

There have been many "Mineral Kings" of various magnitudes for both the Forest Service and the National Park Service, and there will continue to be in the future. At the core of each such controversy is the underlying question of what is the appropriate form and level of recreational development on the public lands. Furthermore, when private development is permitted, often in opposition to the views of many public landowners, what are the responsibilities of the government to regulate these private enterprises, which are clearly "affected with a public interest," as defined by the U.S. Supreme Court?[8]

These questions are equally relevant for major ski areas and for far smaller private recreation operations, the number of which is expanding rapidly. With the exception of a limited number of resort developments, prior to 1980, private recreation enterprises on national forest land had largely been in the form of relatively small family-run outfitter-guide operations. Burgeoning recreation use combined with limited federal appropriations for operation and maintenance, however, led many managers to implement recreation concession programs, particularly for operation of campgrounds. Today, approximately 2,000 national forest campgrounds are run under

[8] See Quinn (1996: 141–149) for an overview of relevant Supreme Court rulings. Also Barnes (1942) and Baldwin (1989).

permit by concessioners. The trend also has been toward increased concession management of other profitable recreation facilities including heavily visited picnic areas, boat launches, and trailheads.

It can be argued that this movement toward increased privatization of public recreation is not the result of any carefully evaluated public policy, but rather simply the gradual acceptance by local managers that concessioning offered the only option to closing facilities in the face of inadequate funding to assure public health and safety. There is a need for further consideration of the policy implications of this privatization trend, along with a full evaluation of alternatives.

In the absence of such a policy evaluation, it is difficult to ascertain the extent to which the Forest Service is consciously moving to privatization. However, some insight into the contemporary Forest Service position on private recreation enterprises can be gleaned from various sources. In 1988 (revised in 1992), the agency issued its "National Recreation Strategy." This document emphasized public-private partnerships and envisioned an agency that: "will be creative in attracting new sources of financing for recreation investments. We want investors to seek us out as attractive opportunities to provide quality service while realizing a reasonable return." A 1992 interagency document reports: "The mission of the Forest Service is to provide for recreation by attracting private capital" (USDI 1992, app. 9: 9). As recently as 1997, the Chief of the Forest Service issued a memo clearly directing agency managers to "continue to promote an expanding private sector industry in delivering services in national forest settings."

None of these position statements was accompanied by any caveats to further define conditions or limits on private capital encouragement. The agency's "Recreation Agenda," released in October, 2000, however, stresses the importance of "maintaining the integrity of the landscape setting" in recreation planning. Although supportive of a continued private sector role in national forest recreation, the agenda notes that investment opportunities must be evaluated "within the context of the Forest Service mandate of responsible management of natural resources." The Recreation Agenda specifies a number of action items including seeking authorities for long-term private sector investment in existing and future development "where appropriate and in line with the agency's niche of nature based, dispersed recreation." The degree to which such language will influence on-the-ground recreation decisionmaking remains to be seen. Additional agency regulatory obligations such as pricing oversight are not addressed in the agenda.

Park Service Policies and Politics (1960–2000)

Whereas the Forest Service has wrestled with development issues on a project-by-project basis, their overall policies for managing private enterprise and recreational concessioners received remarkably little scrutiny by Congress or the public prior to 1990. A flippant critic might argue that this was simply because they did not have a clearly articulated policy to criticize; and there is some measure of truth in this. But lack of clear policy alone seems to be the basis for Congressional attention, particularly given the intense review of National Park Service policy during the same period.

In 1963, three separate government reports were issued, each concluding that the National Park Service concession contracts "made little economic sense and that the government's policies amounted to subsidization of an industry that no longer needed it" (Mantell 1979: 23). The Mather-Albright principles, as modified in the 1940s and 1950s, were under full assault.

Reports from the House Committee on Government Operation (U.S. House of Representatives 1963b), the House Appropriations Committee (U.S. House of Representatives 1963a), and the General Accounting Office (GAO) (U.S. GAO 1963) all pointed to needed changes in the areas of negotiation and administration of contracts, the franchise fee structure, competitive bidding for contracts rather than preferential rights of renewal to existing concessioners, and the granting of possessory interest.

Concessioners attacked the findings of the 1963 reports and argued that such drastic changes in policies would severely discourage investment of private capital in the parks. They accused the GAO report of failing "to discuss or recognize the objectives of present concessions policies to encourage private enterprise and provide adequate and appropriate service at reasonable rates" (Mantell 1979: 25). To gain statutory protection of their existing privileges, the concessioners fought for legislation dictating concessions policy. This was achieved with the passage of the Concessions Policy Act of 1965. This law stood for almost 35 years as the principal guidance on National Park Service concessions management. Therefore, an understanding of the provisions of the act and an overview of the opposition viewpoint is appropriate.

Essentially, the 1965 act did not change the major policies in place since Mather in the 1920s, but merely solidified past administrative policies into legislative form. The act mandates the Secretary of the Interior to exercise authority "in a manner consistent with a reasonable opportunity for the concessioner to realize a profit. . . . Practices to be continued included: (1) allowing monopolies and granting existing concessioners a preferential right to provide new or additional facilities; (2) granting possessory interests; (3) subordinating franchise fees to the objectives of preserving the areas and providing adequate and appropriate services at reasonable rates; and (4) extending or renewing contracts or permits, or granting new ones to promote continuity of operation" (Mantell 1979: 26). Concessioners were ecstatic; they had the statutory protection they long desired.

In defending the legislation, Representative Wayne Aspinall argued:

> The assumptions of the opponents of H.R. 2091 bear little or no resemblance to reality. They assume that National Park Service concessioner enterprises are businesses which can be conducted under the normal rules of free competition and that in granting concessions, the end in view should be that of procuring as much income for the Government as possible. We, on the other hand, are convinced that the results of applying the usual competitive bidding rules would be as unsatisfactory in the future as they have been in the past, that the object of having concessioners must be more to satisfy the public's needs for good services in our parks than to get money into the Federal till, that satisfactory concessioner services cannot be procured by seeing who bids highest for the privileges involved, and that fairly long-term contracts with a preferential right of renewal are necessary not only to induce the necessary capital to come into the market but to assure that continuity of experience which is important to the public as well as to the Government and to the concessioner himself (Congressional Record September 14, 1965: 23634).

Aspinall's language is representative of the rhetoric commonly found in debates on public utilities. Opposition to the bill mirrored much of the criticism found in the three 1963 reports. Representative William Dawson, Chairman of the House Committee on Government Relations:

> H.R. 2091 would perpetuate, in statutory form, many practices and policies relating to Park Service concession contracts which the Government Operations Committee, the Appropriations Committee, and the Comptroller General have long branded as deficient and detrimental to the public. . . . The bill almost entirely disregards the potential benefits of promoting even a moderate degree of competition among existing and prospective concessioners. . . . It shows insufficient regard to appropriate and reasonable returns to the government and to protecting the public. . . . The bill grants special contract renewal and extension privileges to established concessioners. Thus, they can easily become permanently entrenched. This, of course, means that competition for concession contracts would be eliminated forever (Congressional Record September 14, 1965: 23634).

The competition versus monopoly issue was further highlighted by Representative Jack Brooks of Texas:

> Practically every sentence of this legislation is objectionable. . . . Park concessioners, like any other businessmen, should be subjected to the rigors of competition at least every 20 or 30 years. Most businessmen face competition every day. We members of Congress must face election every two years. Is it asking too much for a park concessioner to meet the competition on equal ground every decade or so? Some of the park concessioners have lived in and on the national parks since before I was born. . . . The whole purpose of this bill is to remove all competition from park concessioner contracts and to enact into law perpetual monopolies in our national parks. . . . In short, the entire bill is solely in the interest of the concessioners and primarily at the expense of the public (Congressional Record September 14, 1965: 23634).

In the years since passage of the Concessions Policy Act of 1965, controversy has continued to rage over the central issues of concessions management. A principal concern for many has been the degree to which federal agencies rein in private development. This has often been a matter of political influences, which are rarely static.

During the period of emerging environmental awareness, many concessions operations were being acquired by large corporations. The growing influence that the concessions industry had over agency policy decisions became a focus for concern. In the 1970s, Assistant Secretary of the Interior, Nathaniel Reed, rejected draft master plans for both Crater Lake and Yosemite National Parks. He commented that the plans appeared to be dictated by the terms of the concessioners' contracts rather than by park purposes. Of the Yosemite plan, he remarked that it appeared to have been written by the park's concessioner, the Music Corporation of America (The Conservation Foundation 1985: 181).

Howard Chapman, a Park Service regional director for 17 years, commented on corporate influence after he retired: "I have sat in the board rooms of the Music Corporation of America—the corporate parent of the Yosemite Park and Curry Company—in the early seventies when we found ourselves outgunned by the financial, political, and downright economic aggressiveness of their executives who measured success by the bottom line of each day's profit and loss statement. A national park was to them a place to make money!" (Frome 1992: 177). Clearly, the national parks and forests have been seen as places to make money since their inception. There

is nothing necessarily wrong with this goal, particularly when balanced with that of resource protection and congruity with agency objectives. The motives were less ambiguous, however, when dealing with corporate giants, leading long-time critic Joseph Sax to conclude: “There is little evidence to suggest that the new breed of industrial concessioners wants anything less than maximum profits” (1981: 24).

Although some sincere efforts were made to control business activities, too often if a concessioner’s scheme met resistance from local park administrators, concessioners “push the right buttons until approval is given and handed down the line. Because park administrators fear concession power and pressure, they tread lightly, acquiesce, and rationalize” (Frome 1992: 178). If there was any doubt in the minds of local administrators about the clout of the recreation service industry, it was completely dispelled when James Watt became Secretary of the Interior in 1981. At the 1981 Conference of National Park Concessioners, Watt declared: “You are going to play a tremendously important and growing role in the administration of our national parks. . . . I will err on the side of public use versus preservation. Don’t be hung up on protocol . . . ; if a personality [NPS manager] is giving you a problem, we’re going to get rid of the problem or the personality, whichever is faster” (Frome 1992: 179). Needless to say, Watt was very popular with the concessioners. However, Watt’s term and influence on National Park Service policy was short-lived.

A subtle but telling indicator of the influence of an agency’s informal policy on its regulatory role can be found in its language when dealing directly with concessioners. Mather obviously considered the Park Service’s relation with the concessions to be one of a “partnership,” albeit with himself as the senior partner. Despite the rhetoric of James Watt, by the mid-1980s the agency’s position had been modified. As expressed by the superintendent of Glacier National Park to the park’s concessioner:

> You have often lamented the decline and deterioration of relationships between the National Park Service and concessioners throughout the system . . . the change is not necessarily bad. We have evolved from a sort of buddy system to a more professional relationship. You are encountering our professional people more often and obviously resent it, regarding it as an intrusion into your domain. . . . During George Hartzog’s era, this “partnership” between concessioners and the NPS became a pet phrase. . . . Today, the Service has reached, in my opinion, a proper position of responsibility (quoted in Hummel 1987: 366).

Needless to say, the concessioners were not pleased with this “evolution.”

The dramatic contrast of James Watt with the Clinton administration is evident in the 1993 testimony of Assistant Interior Secretary Bonnie Cohen. In commenting on the use versus conservation dual mission of the National Park Service, Cohen emphasized that “this administration is clearly in support of this dual mission, but I would hasten to add that we shall err, if circumstances dictate, on the side of conservation” (Cohen 1993).

Secretary of the Interior Bruce Babbitt substantiated the administration’s policy when he declared that no more roads, lodgings, or entertainment facilities would be built in the parks during his tenure. Babbitt argued that “the national parks are not about entertainment; Disney, Warner Brothers and others are masters at that task” (quoted in Tucson Citizen 1994). Protection of the “resource base” of the parks was stated to be

a primary goal of park management, preserving the parks as "the windows through which the American people can rediscover and renew their connection to the natural world" (quoted in Arizona Daily Star 1994). Among the administration's recommendations are limitations on vehicular traffic in several parks and emphasis on the provision of lodging and other services outside of park boundaries.

The language of development restraint is most recently found in the National Park Service Concessions Management Improvement Act of 1998. In replacing the 1965 act, this legislation reinforces the principle that recreation enterprise services and facilities "should be provided only under carefully controlled safeguards against unregulated and indiscriminate use." The stated policy is that development should be limited to those "accommodations, facilities, and services that (1) are necessary and appropriate for public use and enjoyment of the unit of the National Park System in which they are located; and (2) are consistent to the highest practicable degree with the preservation and conservation of the resources and values of the unit."

The "necessary and appropriate" language is essentially unchanged from the 1965 act. The recreation industry has contended that the National Park Service inappropriately applies too strict of a standard in reviewing enterprise proposals. In recent Congressional testimony on implementation of the 1998 Act, David Brown, Executive Director of an industry association (America Outdoors), alleged that the National Park Service applies arbitrary decisionmaking in reviewing proposals and that they have chosen to use the "necessary and appropriate" language to "unreasonably deny access for, or entirely eliminate, outfitted services" (Brown 2000).

The industry position, as articulated by Brown, is that the correct agency posture under the legislation is "the encouragement of private concessioner activities and investment to secure visitor services for the park units and the accommodation of the needs and wants of park visitors." It is obvious that the politically expedient yet ambiguous language of the 1998 act has not resolved the ongoing conflicts over recreation enterprises within the National Park System.

The Presidential election of 2000 coupled with continued legislative proposals for concessions reform may result in still further evolution of the role of the private sector within our national parks in the near future.

A Continuing Agency Role

There are many complexities associated with federal agency management of private recreation enterprises. This paper has made no attempt to review them all. For example, an area of historical concern recently reemerging as a contentious public issue is that of pricing discrimination and social equity of public land recreation opportunities. Although touched upon here, this issue is addressed in detail in Quinn (1996, 2002). Rather, the focus of this historical overview has been primarily on the government's role with respect to balancing the provision of private recreation goods and services with resource protection and the broader public interest. The profit motive will drive entrepreneurs headlong toward any source of perceived demand, with "willingness to pay" their mantra; cost minimization will drive them away from perceived environmental "constraints" and government "interference." This is not a condemnation; it is simply a fact—the foregone conclusion of rational economic behavior by private sector entrepreneurs. Federal agencies have no choice but to intervene and play a regulatory role when this behavior is permitted (indeed encouraged) on public lands.

The scope and nature of the required intervention will differ depending on the specific circumstances. It could appropriately take the form of limiting the number of competitive suppliers (establishing monopolies at the extreme), regulation of pricing, or controlling the types of goods and services offered. The latter may be necessary even in the face of perceived public demand and willing suppliers.

Will visitors still want to drive their own cars rather than use mass transit, stay in park hotels, swim in park pools, take pony rides and helicopter over-flights, and buy rubber tomahawks? Certainly. This raises the issue of the appropriate role of the government in determining what recreationists **should** be doing in their parks and forests, in a sense, dictating public taste. It is commonly argued that concessioners are simply giving the public what it wants in the parks, and a government agency should be supportive as its role is also to serve the public interest. This has often been the behavior of the land management agencies in the past. Indeed, both the National Park Service and the Forest Service have at times apparently treated recreation service providers as representing the public interest as expressed via the market. Mantell (1979: 43) argues that were the situation one of perfect competition among concessioners (a rare occurrence), they might accurately represent all **concession users** but certainly not the broader spectrum of public land interests. He points to four classes of interest:

1. The park user and concession user
2. The park user but nonconcession user
3. The nonpark and nonconcession user (recognizing that public lands are for all society and that some benefit accrues to every member by merely having the resource, regardless of recreational use)
4. Future generations

Mantell concludes that the concessioner can, through the marketplace, justifiably represent only the first of these four classes.

One could go further to challenge whether they even truly represent the interests of the concession users in all cases. Sax has argued that there is a “considerable, albeit insufficiently recognized, distinction between what the American public **wants** its national parks and forests to be, and what individual visitors will spend their money on if the opportunity presents itself” (Sax 1981: 25). Land management agencies must be able to look beyond the “wants” as expressed through the wallet and consider their responsibilities in the broader context of land management goals and the public interest. Private enterprises do not generally agree. As expressed by the concessioner at Yosemite in the early 1980s: “I don’t consider it a responsibility of the National Park Service and its supporting organizations to improve the public taste, and certainly no duty devolves upon the concessioners in the parks” (Zaslowsky 1983: 30). Such logic ignores the obligation of the public land agencies to consider any more than the narrow interests of park “consumers” and it incorrectly assumes that the park purchases and activities represent a “vote” on whether a particular good or service **should** be offered.

Although not directly related to private sector involvement on the public lands, Aldo Leopold offers a perspective that provides a fitting conclusion to the development vs. protection discussion:

> Let me tell of a "wild" river bluff which until 1935 harbored a falcon's eyrie. Many visitors walked a quarter mile to the riverbank to picnic and to watch the falcons. Comes now some alphabetic builder of "county parks" and dynamites a road to the river, all in the name of "recreational planning." The excuse is that the public formerly had no right of access, now it has such a right. Access to what? Not access to the falcons, for they are gone (Sax 1976: 84).

Conclusion

Policies for management of recreation service enterprises on the national parks and forests have evolved through a series of economic and political events during the course of the last 130 years. This paper highlights a number of these events and introduces the idea that owing to their different histories and philosophies, the Forest Service and the National Park Service have often followed divergent paths on recreation enterprise policy; yet neither has escaped controversy. Although the level of private development has fluctuated since the 1920s, the public utility concept developed by Steven Mather is still relevant. Given that private recreation operations on national forest land are largely indistinguishable from those in the national parks, the notion of recreation enterprises as a form of public utility seems equally applicable to each agency. Acknowledgment of the public utility paradigm brings to bear a series of agency obligations with respect to private enterprise regulation. History indicates that in many cases, these obligations have been neither acknowledged nor fulfilled.[9] Future policies must be evaluated in light of this history.

The rallying cry for many contemporary critics of federal recreation policy is that of industrialization and privatization of public lands. Whatever the bases for these allegations, they pale in comparison to the private investment encouraged by Mather in the 1910s and 1920s. If we are indeed entering a new era of increasing private investment on public land, policymakers would do well to learn from the lessons of the past and proceed with caution in assuring they are safeguarding the future interests of the public landowners and the land itself.

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[9] Examples of agency behavior inconsistent with the public utility paradigm are outlined in Quinn (1996).

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