



Joshua Tree Excursions
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Dear, Mr President, Members of Congress, Secretary Zinke, et al.

This letter is written in response to the fee increases being proposed by the Department of the Interior at 17 of our National Parks. As a professional guide and small business owner, I am strongly opposed to this fee increase. As a supporter and proponent of our Nations National Park system, I am certainly sympathetic to the budget deficit and proposed funding cuts within the Department of the Interior and the long term impacts, such deficits may result in. However, the proposed increases go far beyond what would be considered “reasonable” under any circumstances. These increases, if enacted, will have a profound and potentially irreversible impact, not only on the general visiting public but small businesses and the surrounding local communities, that depend on these visitors for sustained economic growth; Especially in communities like Joshua Tree that rely almost completely on tourism dollars for their existence. Therefore, I make the following points as to why this proposal should not be enacted.

The proposed increase of \$70 per private vehicle to enter these National Parks is an increase of almost 200% over the existing and recently (2016) increased fees. Enacting such an increase will certainly dissuade many people from visiting these parks at all, especially during the proposed peak season timeframes. While some will argue that this will limit visitors to the National Parks and increase the number of people with disposable income to local communities. While possibly true in theory; this increase goes against the entire purpose of the National Parks: To preserve and protect these National treasures for the enjoyment of ALL who may wish to visit. *“The fundamental purpose of all parks also includes providing for the enjoyment of park resources and values by the people of the United States. The enjoyment that is contemplated by the statute is broad; it is the enjoyment of all the people of the United States and includes enjoyment both by people who visit parks and by those who appreciate them from afar.”* (NPS Management Policies Handbook p.10) Such an increase will likely remove the ability of those least able to pay, and arguably those who could derive the greatest benefit, from visiting National Parks that may be within their ability to visit. Essentially saying, “That only those who can afford to pay, are welcome.”

Furthermore, any increases in fees to National Parks, are based in Law. As stated in National Park Management Policies (2006) *“Fee rates will be reasonable and equitable and consistent with criteria and procedures contained in law and NPS guidance documents.”* (NPS Management Polices p.107) Additionally, 36CFR part 71 states *“that such fees are established in accordance with the following criteria”* (1) *The direct and indirect cost to the Government;* (2) *The benefit to the recipient;* (3) *The public policy or interest served;* (4) *The comparable recreation fees charged by other Federal and non-Federal public agencies within the service area of the management unit at which the fee is charged.* While this increase certainly provides a benefit to the Government, it does not serve nor equitably endear the general public who already

provides for the maintenance of our Nations Parks through Tax dollars, current entry fees and recreation fees. It is not equitable nor consistent as only 17 parks are chosen for an increase in fees, while fees remain nonexistent or significantly less at other parks. Not to mention, that the suggested fees are nowhere near comparable to other fees charged within the “service area.”

Moreover, The Department of the Interior is postulating that the proposed fee increases will add approximately \$70 Million in additional revenue each year. “Implementing the seasonal pricing structure will likely increase total entrance fee revenues from \$199.9M to \$268.5M, annually, an increase of 34.3% over Fiscal Year 2016” (NPS targeted fee increase fact sheet). Yet, the stated maintenance backlog for the National Park Service stands at approximately \$11 Billion (Total DM Sept. 30, 2016 \$11.331 Billion). This means that the anticipated increase in revenue will equal a .006% reduction in the maintenance backlog deficit. Yet as reported by the National Park Deferred Maintenance Reports, in 2016 there was a \$600 Million dollar or .15% reduction under current fee structures. The math works even less, when you consider that the additional .006% reduction will not even come close to the annual increase in maintenance costs that will likely rise in the 1-3% +/- range annually and the \$400 Million reduction to National Park funding, proposed in 2018. This still equates to a net loss of \$310 Million. Forcing the public taxpayer and small business to bear the brunt of a fee increase that ultimately will do nothing to address the maintenance backlog, is more than unreasonable, unrealistic, draconian and will ultimately drive visitors away and force businesses to close. Even more curious, when you factor in a 24% increase in discretionary funding for the National Parks, over the last 10 years. “Over the past decade (FY2007-FY2016), NPS’s discretionary appropriations rose by 24.0% in nominal dollars and 7.9% in inflation-adjusted dollars” (Comay, National Park Service: FY2017 Appropriations and Ten-Year Trends 2017)

A final note to this point is that, any increase at this time would not be in the best interest of the public nor the National Park Service, as there is a bipartisan bill in Congress (S.751) that addresses the very concerns (maintenance backlog) that the fee increase proposed, seeks to address. If passed, this bill would address the current deficits over an extended period of time at a significantly greater rate than the proposed fee increase. It would be both preemptive and irresponsible to move forward with any fee increases before allowing due process of law to run its course.

As a professional guide and small business owner, there is a significant increase in commercial fees that will not only impact my organization but many others like mine, at all of the selected National parks. The present Commercial fee increases are directed at “ Road Based Tour Companies”. Defined by the National Park service as “*We define road-based commercial tours as one or more persons traveling on an improved roadway on an itinerary that a company or individual has packaged, priced, or sold for leisure/recreational purposes. Road-based commercial tours provide no other visitor services except those incidental to road-based travel in an NPS unit (on-board interpretation and information, and incidental stops at visitor centers, restaurants, wayside exhibits, etc.).” (COMMERCIAL TOUR REQUIREMENTS AND FEES Q&A) By this definition, a large percentage of commercial guiding organizations, operating in our National Parks under Concessions Contracts, Commercial Use Authorizations (CUA’s) and*

Special Recreation Permits, do not fall under this designation. However, there is no distinction made between Road based and non-road based tour or guiding organizations outlined in existing or proposed policies. Many of these organizations provide services related to rock climbing, hiking, bouldering, rafting, camping, backpacking and other interpretive, educational or adventure related services, whether or not they transport their clients into the park or meet them at pre-designated locations. This disparity alone should preclude any fee increases until a policy is enacted that identifies the differences between these commercial providers: and a fee structure that represents the fact that most of these activities are conducted for groups numbering between two and ten guests. To expect small guiding organizations and local tour companies to pay the same rates as large tour bus companies and corporate guiding organizations is certainly not equitable nor consistent with existing policies and regulations.

I will also note that there is an equally unattainable increase proposed for Road based tour operators as well. One that for most part represents a 500% increase in entrance fees during peak seasons. Presently, an average bus pays \$150 to enter a National Park. The proposed rates will skyrocket this fee to \$900 or more in most cases. On average, just the cost to charter a bus for tour companies is about \$900 a day. To expect them to pay this increase will not only reduce the number of busses that visit National Parks but could eliminate National Parks from the locations visited by these companies; a segment of the tour industry that is actually most favorable both to the environment, the National Parks and the economies of surrounding communities and businesses inside or outside of National Parks.

In addition to the proposed commercial entry fee requirements. There is a proposed back end management fee that commercial operators will be required to pay that amounts to \$5 per person, paid to the park, at the end of the year. This number is based on an organizations annual NPS 660A report. By itself, this is a manageable fee. However, coupled with the entry fee increase, this represents a significant loss for small businesses. Example: In 2018, those operators who are required to pay the new per person entry fees of \$30 per guest, plus the added \$5 per person at the end of the year would equal a total payment in fees, to the National Park Service of \$35,000 for companies that host only 1000 clients throughout the year. Many organizations provide adventure services to far more than 1000 visitors per year, depending on the park. This number is nothing less than ridiculous and would put most small, professional guiding organizations out of business. If the goal of this proposal is to put small businesses out of business, it will succeed. At the very least, it may encourage small businesses to not provide accurate numbers to the Park Service each year.

This new proposal essentially allows the Park service to charge commercial operators three times for the privilege of operating in our National Parks without any additional preference, support or collaborative representation by the National Park Service. The front end fee is an application fee which is almost doubling. The second fee is the proposed increased entry fees to be paid per person or per vehicle at an increase of 200% and lastly, a “management fee” of \$5 per person to be paid at the end of the year. None of the commercial guiding organizations would begrudge paying fees to support the National Parks. However, the current proposal exceeds any reasonable and equitable fee increase.

There is a further piece as to why this should not be implemented until there is policy in place to differentiate between road based and non-road based organizations.

Presently, commercial entry fees cannot be equally applied to all commercial businesses entering National Parks. This is especially true in cases where guides are meeting their guests at pre-designated locations in a National Park or entering the parks through non-fee collection locations. Therefore, these operators often avoid paying commercial entrance fees as their clients simply pay the private vehicle rate upon entry as they are not traveling together. Any fee structure or policy changes for commercial operators needs to be applied equally across the board. The inability of the Park Service to ensure that fees are administered equally, creates a biased and unfair collection of fees from operators who bring their adventure clients into the park. If equal implementation is not possible, then the policy should not be implemented. This is not to disparage those who have been able to operate under the current policies without paying these fees. It is the current system that overlooks this gap, not the operator. But until such time as this issue can be addressed fairly, this proposal should not go forward. As quoted from the Directors Policy 22 *“7.2 Commercial Groups/Tours. A commercial group consists of one or more persons traveling on an itinerary that has been packaged, priced, or sold for leisure or recreational purposes by an organization that realizes financial gain through the provision of the service. Commercial groups may arrive in a single vehicle or in multiple vehicles or caravans and should be charged in accordance with guidelines in RM-22A. (Also see section 10.2.)”* If there is no way to enforce a policy, it cannot, in good faith to all, be enacted.

One possible solution to this issue would be to enact the provisions under the Guides and Outfitters Act (H.R. 289) Which lays out a reasonable fee structure to be charged to guides and outfitters that is not based on a “Road Based” structure or individual and vehicle entry fees. Instead it bases the fees charged at a rate of “no more than 3% of the gross receipts” (HR 289) collected by any commercial operation for activities conducted in a National Park. This fee is paid to the Park Service at the end of each operating season, based on annual 660A reports. The provisions of this law, which already covers most federal lands, could be modified and adapted to current non-road based CUA holders. This would provide the National Park Service with fee revenue collection commensurate with the activities and not an unrealistic fee structure that most businesses will not be to achieve. Any attempt by small guiding organizations to raise rates, to address the current proposal, would ensure that their organizations would go out of business as fees would exceed the comfort zone of the majority of their guests. While the possibility of operators to fudge these numbers is possible, it is much more unlikely as a 3-5% increase in rates to cover these fees is well within reason. The vast majority of guides and outfitters would be happy to pay this rate in support of the National Parks vice what is being proposed.

The simple truth to this proposal is that if enacted, it will put many professional, certified and licensed guiding organizations out of business. Presently, in many parks, there are already numerous non-permitted and unlicensed guided and commercial activities taking place. It is well understood by licensed operators that curtailing this issue under the current policies is no less than challenging. However, increasing the commercial fees for licensed and authorized commercial use operators, Concessionaires and Special Recreation permit holders, without a

system to curtail existing unlicensed operators would be prejudicial and again an unequally applied policy, which will only exacerbate this issue. There is a high likelihood that the increased fees will close the door on many local, legitimate guide services both here in Joshua Tree and at other National Parks, opening the door for numerous opportunist, unlicensed and uninsured individuals to take advantage of the fee increase by offering tours a reduced cost and using park passes to bring clients in under the radar, due to the continuing challenges that exists in enforcing this regulation. Such activities will only increase the likelihood of serious injury, death and legal actions against the National Park Service.

It is also worth noting that in the many years that guides have been operating in Joshua Tree and other National Parks, there has been far fewer injuries of any significance or deaths related to professionally guided activities. Conversely, there has been numerous injuries, deaths and missing persons in our National Parks and surrounding wild lands who opted to go exploring, climbing, rafting, backpacking, etc, without a guide. The point being, having qualified, professional guide services available in our National Parks, at rates the majority of the public can afford, helps to protect the visiting population, prevents accidents, injuries, mitigates lost individuals and ultimately lowers the liabilities, Search and Rescue costs and potential criticism faced by the National Park Service. The fee increases without differentiation will cut the number of legitimate companies operating and increase unqualified shadow opportunists operating without permits, unlicensed and uninsured in our National Parks.

Concessionaires, CUA holders and Special Recreation Permit holders in our National Parks provide the park service with added resources and educational vehicles that support the general public. They often act as the eyes and ears of the park service and provide visitors with an enhanced understanding of the importance and fragility of our protected lands. Commercial operators ensure that guests in their charge understand and act in accordance with park rules and regulations and often act as a mitigation and prevention asset to regular visitors to the park. They give out information, provide guidance and information to guests that may not have been offered due to the limited resources available onsite. They report issues, damage, vandalism, accidents and generally help to ensure that the spirit and purpose of our National Park system is protected and respected. Many of the individuals and businesses take pride in their parks and go out of their way to ensure that they are protected and respected by all who visit. The partnerships and collaborative activities formed between the National Park Service and their commercial activity providers is one of mutual benefit. Working together to find reasonable and responsible solutions to the problems posed by increased visitor-ship and overall impact to the National Park will lead to long-term successful and environmentally responsible solutions to the issues caused by the significant growth and challenges faced by our most protected lands. Implementing these proposed increases will only result in National Parks losing many of these valuable partners. There is a solution however, this current proposal will not be in the best interest of the National Park Service, their commercial partners or the general public.

Lastly, the vast majority of commercial guides and outfitters love and respect our Nations National Parks, the National Park Service and our many other land management organizations. They have for years worked hand and hand with government officials and Park Service

employees to ensure the continued preservation of our Nations treasures. These organizations are full of individuals that have a passion for sharing nature, education and providing visitors safe and enjoyable memories of their time in our National Parks. They, more than anyone, understand the difficulties and challenges faced by the National Park Service in carrying out their duties as guardians of our natural resources; especially under the current financial limitations. All of the organizations impacted by this proposal would be happy to find reasonable and equitable solutions to ensure that all visitors to our National Parks both public and commercial, will be able to do so, far into the future. This proposal will not serve the long term interest to the public, commercial operators, or the National Park Service. It will most likely have the opposite effect resulting in fewer visitors, reduced revenue long term, the loss of businesses and a host of unintended economic repercussions that are only beginning to be understood. I feel that there is a solution and by working together, there is a path towards addressing the current budget constraints, without punishing the visiting public or commercial operators.

Thank you for your time and consideration regarding this response.

Regards,

A handwritten signature in cursive script, appearing to read "Kelly Crawford".

Kelly Crawford, CEO

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