United States Department of the Interior

NATIONAL PARK SERVICE
1849 C Street, N.W.
Washington, D.C. 20240

IN REPLY REFER TO:

Director's Order #22: Recreation Fees

Approved: _____
Director

Effective Date: 5-14-2010

Duration: This order will remain in effect until amended or rescinded.

This order, in conjunction with Reference Manual 22A: Recreation Fee Collection, and Reference Manual 22B: Recreation Fee Project Management, supplements section 8.2.6 of *Management Policies 2006* and supersedes Recreation Fee Guideline NPS-22, Release No. 3, dated 1989.

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1. Background, Purpose, and Scope

1.1 Background. The National Park Service's Recreation Fee Program supports the NPS mission in a variety of ways. Fee Program employees not only collect fees, but they also perform activities related to resource stewardship, visitor facility improvements, education, and

visitor use management. Fees are used to fund projects that address deferred maintenance needs, provide new visitor programs and services, protect resources, improve and rehabilitate facilities for visitors.

The majority of funds used for national park management come from Congressional appropriations. The rationale for supplementing appropriated funds with visitor fees is that people who use the parks should pay part of the cost incurred by the NPS for their visit, including expenses associated with avoiding and mitigating impacts on resources and responding to increased demand for visitor facilities and services. Studies demonstrate that visitors both understand why parks collect fees and support the practice.

1.2 Purpose. This order sets forth policy and assigns responsibilities for administering the Fee Program. It supplements the general NPS policy for Fee Program administration as set forth in section 8.2.6 of *Management Policies 2006*.

1.3 Scope. The National Park Service collects fees based upon a variety of legislative authorities. The primary focus of this order is recreation fees which includes entrance and expanded amenity (use) fees collected pursuant to the Federal Lands Recreation Enhancement Act (FLREA) (16 U.S.C. 6801-6814). The NPS Recreation Fee Program is administered under the auspices of the Washington Office (WASO) Fee Collections Program office and the WASO Fee Expenditures Program office.

This order briefly addresses some of the other authorized fees for the NPS that may overlap or be collected in conjunction with a fee authorized by FLREA. However, this order does not discuss all aspects of these other fee-based activities, many of which are highly technical and subject to frequent change. More details on those activities can usually be found in other Director's Orders or guidance documents specific to them. More details concerning the Fee Program are contained in two reference manuals. They are Reference Manual 22A (RM-22A): Recreation Fee Collection, and Reference Manual 22B (RM-22B): Recreation Fee Project Management. Other sources of information include the WASO Fee Collections Program office, the WASO Fee Expenditures office, and regional fee managers.

1.4 Explanation of Terms. Abbreviations and special terms used in this order are defined where appropriate. A more expansive glossary is included in the Reference Manuals.

2. Authority

Authority to issue this order derives from the NPS Organic Act (16 U.S.C. 1-4) passed in 1916, and delegations of authority contained in Part 245 of the Department of the Interior (Department) Manual.

As with all components of the NPS directives system, this order is intended only to improve the internal management of the NPS. It is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or equity by a party against the United States, its departments, agencies, instrumentalities, or entities, its officers or employees, or any other person.

3. Principles and Objectives of the Fee Program

The Fee Program will be managed in accordance with the following principles and objectives:

a. The program will be designed with the primary purpose of supporting the NPS mission to protect park resources and provide enhanced visitor experiences.
b. The program will emphasize customer service.
c. The program will strive for consistency, cost-effectiveness, efficiency, and integrity. It will adopt best management practices integrating appropriate technology.
d. While revenue generation is an important emphasis of the Fee Program, it is not the sole factor for choosing to collect fees at a park unit.
e. Program management will be based on long-range planning and business principles to ensure strict accountability controls for all non-appropriated revenues.
f. Fees will be collected fairly and equitably, and where administratively and economically feasible.
g. Recreation fees must be established in a manner consistent with FLREA Section 3(b).
h. The program will be designed with an emphasis on a secure and safe work place for employees.
i. The program will be enhanced through cooperation with Federal, State, and local agencies and entities to establish collaborative fee arrangements and passes where appropriate and feasible.
j. The expenditure of revenue collected under this program will provide high quality enhancements that directly impact the visiting public.
k. Project management will be based on a five year plan and incorporate recognized project management principles and practices to ensure execution of effective high quality projects.
l. The program will include financial management business practices to ensure transparent accountability.
m. The program will strive to return, as much as possible, the revenue collected to parks for projects that enhance the visitor experience.

4. Roles and Responsibilities

4.1 Delegation of Authority. The Associate Director, Business Services, and the Associate Director for Park Planning, Facilities, and Lands are delegated the authority vested in the Director for the administration of the National Park Service's Recreation Fee Program, except for the following activities:

a. Approval to participate in a reservation program other than the NPS recreation reservation system (see section 11).
b. Approval for projects funded with the twenty percent fund (see 9.4.1).
c. Approval for percentage allocation reduction (see 9.1.1).

4.2 Associate Director, Business Services. The Associate Director, Business Services, is specifically delegated the authority and responsibility to—

a. Develop and issue agency guidance for recreation fee collection in the form of Reference Manual 22A.
b. Oversee the implementation of Servicewide collections policies applicable to the Fee Program.
c. Provide oversight and management of Departmental and Presidential initiatives relating to park recreation fees, such as the Interagency Pass Program and the National Recreation Reservation Service.
d. Refer significant collections policy decisions to the Director for disposition.
e. Coordinate and communicate with regional directors on all matters affecting fee collection.
f. Coordinate and cooperate with all other programs and offices having functions relating to collection of fees (e.g., the Comptroller and Accounting Operations Center, Park Facilities Management Division, Development Advisory Board, Concessions Management, Training and Employee Development, Office of the Chief Information Officer, Contracting, Partnerships, Interpretation, Education, Volunteers and Outdoor Recreation, and interagency groups).
g. Develop and communicate policies, procedures, management controls, program reviews and standards that are mission-oriented and customer service-oriented.
h. Continually review the Fee Program, utilizing research data to quantify needs and determine changing requirements.
i. Research, test, evaluate, and establish alternative business strategies and new technologies such as point-of-sale systems that have the potential to improve Fee Program performance.
j. Approve/disapprove changes to fee schedules and establishment of additional fees, after approved and recommended by regional offices.
k. Provide oversight, including spot checks to ensure cost of collection (COC), National Recreation Reservation Service (NRRS), point-of-sale system, COC fee agreements, and COC capital project expenditures are appropriate and consistent with established guidance.
l. Review COC fee agreements and visitor service projects in cooperation with the Associate Director for Park Planning, Facilities, and Lands, after review by regional offices. Review may include spot checks to ensure that expenditures are within COC guidelines.
m. Develop and conduct fee collection management training in coordination with regions and parks.

Except as otherwise noted, these responsibilities may be redelegated in writing.

4.3 Associate Director for Park Planning, Facilities, and Lands. The Associate Director for Park Planning, Facilities, and Lands is specifically delegated the authority and responsibility to—

a. Develop and issue agency guidance for recreation fee project management in the form of Reference Manual 22B.
b. Oversee the implementation of Servicewide expenditure policies applicable to the Fee Program, including scope and eligibility of projects for funding, procedures for proposing

projects, procedures for emergency requests, use of software systems, change requests, and charges for personnel services.

c. Refer significant expenditure policy decisions to the Director for disposition.
d. Coordinate with regional directors on all matters affecting Fee Program expenditures.
e. Coordinate with the Associate Director, Business Services and with other programs and offices having functions relating to the expenditure of fees, such as the Department of the Interior, OMB examiners, the Inspector General and GAO auditors, Congressional appropriations staff, the Comptroller, the WASO Budget Team, the AOC, and the Development Advisory Board.
f. Evaluate effectiveness of software used in Fee Program expenditure operations, eliminate duplicate data entry, improve Fee Project Accountability, and recommend changes in database program to optimize linkage between software systems, including the Project Management Information System (PMIS), Facility Maintenance Software System, and Recreation Fee Comprehensive Plan (RFCP).
g. Establish data management processes to ensure that automated project information is accurate, reliable, and up-to-date for tracking and accountability purposes.
h. Provide guidance and technical advice regarding expenditures to regions and the field. Establish project reporting formats, schedules, and due dates.
i. Assure that each park provides a five-year financial management plan. This function is fulfilled by the on-line Recreation Fee Comprehensive Plans (RFCP), which are submitted by parks and reviewed and approved by regional offices. The RFCPs are reviewed and approved by WASO as the final step in the project approval process and to ensure that RFCPs comply with FLREA policy.
j. Approve/disapprove comprehensive plans after review by regional offices.
k. Develop and conduct training with regions and parks on policy and procedures related to recreation fee projects, including applicable software programs. Work with the Budget Office to develop appropriate supplementary course materials for PMIS.
l. Approve/disapprove non-COC fee agreements and visitor service projects in cooperation with the Associate Director, Business Services, after review by regional offices.

4.4 Regional Directors. The regional directors are delegated the authority and responsibility to—

a. Administer the Fee Program for the regions in a manner that ensures accountability, integrity, internal controls, and compliance with all Federal regulations, policies, and guidelines.
b. Serve as a liaison between parks and WASO.
c. Review and approve park projects and comprehensive plans, ensure appropriate use of funding, report and correct misuse and abuse of funds.
d. Assign staff to monitor, account for, and report regional fee collection revenue and collection costs and to provide project oversight.
e. Review fee schedules and establishment of new fees, and submit regionally approved and recommended fee rates to the Associate Director, Business Services.
f. Develop, conduct and/or coordinate fee training within the region to ensure that park fee staff is adequately trained.

g. Provide program review, support, and technical advice on the Fee Program to park and regional staff.
h. Coordinate regional, cross-divisional Fee Program elements to ensure that the Fee Program is effectively and efficiently run.
i. Coordinate with WASO on interagency and Servicewide initiatives such as the National Recreation Reservation Service, the Interagency Pass Program and the development of the national point-of-sale system contract.
j. Administer the Fee Program with the primary emphasis on customer service and resource protection.
k. Encourage field input and participation in WASO and/or regional training, work groups, fee workshops, and other initiatives in support of the Fee Program.
l. Evaluate the efficiency and effectiveness of each park's fee operations and project accomplishment through regular program reviews to ensure customer service, collection efficiency, appropriate expenditures and effectiveness of park staff.
m. Facilitate park participation in the national reservation service when appropriate. Parks will not participate in any other type of reservation system without approval from the Director.

[Note, however, that the delegation for activities in 6.3.1, 6.3.2, 6.4, 10.1, and 10.2 are subject to authorization by the Associate Director, Business Services.]

4.5 Redelegation. The authority delegated in 4.1, 4.2, and 4.3 may be redelegated, in writing, by the Associate Director, Business Services, the Associate Director for Park Planning, Facilities, and Lands, and the regional directors to the National Fee Program Manager, National Fee Projects Manager, and park superintendents, except for the authority in 4.2.a-d and g, 4.3 a-f, 6.3.1, 6.3.2, 6.4, 8.2.2, 8.2.3, 10.1, and 10.2.

5. The FLREA and Other Fee Authorities

Through a series of public laws, Congress has continued to define how the NPS manages the collection of fees. Although the primary focus of this order is recreation fees collected under FLREA, to provide consistency where there is overlap with FLREA, other authorities are described briefly in section 5.2 below. The statutory authority under which a fee is collected determines how the NPS sets the fee, collects payment, and retains, expends, and manages the fee revenue. Whenever a fee is established in a park, it must be based on the appropriate authority. More information on the other fees listed below can be found in guidance documents specific to these programs.

5.1 The FLREA. The statutory authority for the Fee Program is contained in the FLREA (16 U.S.C. 6801-6814; P.L. 108-447, Division J, Title VIII). The FLREA became law December 8, 2004. This ten-year, multi-agency authority allows for no less than 80% of fees collected by the NPS, Bureau of Land Management, Bureau of Reclamation, Fish and Wildlife Service, and the U.S. Forest Service to be retained by the collecting sites. In addition, the law allows the Secretary to reduce the percentage allocation to as little as 60% for a fiscal year if the "Secretary determines that the revenues collected at the unit or area exceeds the reasonable needs of the unit or area for which expenditures may be made for that fiscal year." FLREA also (1) repealed the

Recreation Fee Demonstration Program and most fee provisions of the Land and Water Conservation Fund Act, and (2) created a new interagency pass program, the *America the Beautiful – the National Parks and Federal Recreational Lands Pass,* which replaces the Golden Age, Golden Access, Golden Eagle, and National Parks Pass programs. A FLREA Handbook developed and approved by the participating Federal agencies is available from WASO and contains interagency policies.

5.1.1 Entrance fees. The FLREA defines an entrance fee in part as "the recreation fee authorized to be charged to enter onto lands managed by the National Park Service" and authorizes NPS to collect an entrance fee for "a unit of the National Park System, including a national monument administered by the National Park Service."

Authorized entrance fees are valid for one to seven (1 to 7) consecutive days typically referred to as length of stay. The length of stay is determined by the park superintendent. A consistent pricing structure for entrance fees has been developed. There is a civic engagement requirement for all new or modified fees resulting in increased financial impact to the visitor (see section 10.3 of this order and also RM-22A).

5.1.2 Expanded amenity fees. The FLREA defines an expanded amenity fee as a fee charged "in addition to an entrance fee or by itself, at Federal recreational lands and waters under the jurisdiction of the National Park Service…when the Secretary of the Interior determines that the visitor uses a specific or specialized facility, equipment, or service", such as campgrounds or boat launches. Additional examples of expanded amenity fees and prohibitions against charging expanded amenity fees are provided in RM-22A.

5.1.3 Special recreation permit fees. The FLREA defines a special recreation permit fee as a fee charged "in connection with the issuance of the permit, for specialized recreation uses of Federal recreational lands and waters, such as group activities, recreation events, and motorized recreational vehicle use."

5.2 Other Fee Collection Authorities. There are a number of fee authorities that are available to parks, and many of these authorities allow for collection of similar types of fees. To avoid public confusion and to facilitate required civic engagement, parks should consult with the regional office for the appropriate authority to use before any new or modified fees are proposed. Parks should use the authority that best matches the kind of fee being charged, rather than choosing an authority for convenience or amount of funds retained. Examples of some of these other fee authorities are described below.

5.2.1 Special interpretive/living history fees. Section 3(g) of P.L. 91-383 (16 U.S.C. 1a-2(g)) states that "parks may sell at fair market value products and services produced in the conduct of living exhibits and interpretive demonstrations in areas of the national park system" and "credit the proceeds there from to the appropriation bearing the cost of such exhibits and demonstrations." This authority allows the park to sell products and services produced in living exhibits and interpretive demonstrations at fair market value. To carry out this authority, the NPS may enter into contracts and cooperative agreements to provide the living exhibits and interpretive demonstrations. The authority requires the NPS to place any

proceeds received from these activities into the accounts that pay the cost of conducting the activities. Details on establishing and managing 1a-2(g) fees are provided in RM-22A. (See also Director's Order #6: Interpretation and Education.)

5.2.2 Transportation fees. Title V, section 501 of the National Parks Omnibus Management Act of 1998 (16 U.S.C. 5981) allows the NPS or an entity under a service contract with the NPS to impose a charge for a transportation service to recover costs associated with a park-provided transportation system (i.e., park-operated or operated under a service contract). Use of this authority must be coordinated through the WASO Transportation Program office, the WASO Fee Expenditures Program office and the WASO Fee Collections Program Office. (See also sections 6.3.2 and 10.1.)

5.2.2.1 Concession-operated transportation systems. Fees for concession-operated transportation systems are set following procedures established by the Concession Program. Pass discounts do not apply to fees collected by concessioners/contractors unless it is required as part of the concession authorization. Existing concession authorizations that do not have this provision are not required to honor passes. As concession authorizations are negotiated and new transportation systems are initiated, acceptance of passes should be included if financially feasible.

5.2.3 Special park uses and fees. Under various authorities, the NPS charges cost recovery and administrative fees for the use of park lands or facilities to those who engage in special park uses. Detailed information on special park uses and the fees associated with them are found in section 8.6 of *Management Policies 2006*, and in Director's Order #53: Special Park Uses, and RM-53: Special Park Uses.

5.2.4 Commercial use authorization (CUA) fees. Congress has established the legal requirements for the NPS to authorize commercial use activities in parks (16 U.S.C. 5966). CUAs replace Incidental Business Permits (IBPs) and NPS is currently developing Director's Order #48B: Commercial Use Authorizations to provide guidance on how to implement this authority.

5.2.5 Concession fees. The Concession Management Improvement Act of 1998 (16 U.S.C. 5951-5966) authorizes the NPS to establish concession authorizations with private businesses to provide accommodations, facilities, and services to visitors. Rates for those services are governed by a comparability process and approved by park superintendents. In some cases concessioners collect entrance, expanded amenity, and transportation fees for the NPS. This must be authorized through a separate procurement contract or fee management agreement. (See section 13 and RM-22A. See also Director's Order #48: Concession Management, now being developed.)

6. Recreation Passes

6.1 Entrance Passes. A variety of entrance passes may be accepted in lieu of an entrance fee. Passes are valid seasonally, annually, or for a lifetime. Entrance passes are valid for entrance fees only.

6.1.1 America the Beautiful – the National Parks and Federal Recreational Lands Pass Program (Interagency Passes). There are 4 versions (annual, senior, access, and volunteer) of the America the Beautiful – the National Parks and Federal Recreational Lands Pass. There are also additional supplemental materials including hangtags and decals. Detailed guidance for pass and hangtag ordering and decal issuance and acceptance is provided in RM-22A. All NPS areas that charge an entrance fee must sell Interagency Passes. Sale of the passes is encouraged at other locations where appropriate and feasible.

6.1.2 The National Parks Pass and Golden Eagle, Golden Age, and Golden Access Passports. The National Parks Pass and Golden Eagle, Golden Age, and Golden Access Passports were replaced by the America the Beautiful – the National Parks and Federal Recreational Lands Passes, and effective January 2007 are no longer issued. Existing passes will continue to be honored in accordance with the terms specified on the pass.

6.1.3 Park-specific passes. Parks that issue park-specific passes are responsible for their production and cost. Design and pricing of park-specific passes must be in accordance with guidelines in RM-22A. Text on park-specific annual passes should be consistent with that on the Interagency Annual Pass. A proposal to establish a park-specific pass must be included in the Recreation Fee Implementation Plan in response to the annual Fee Rate Change request as explained in RM-22A.

6.1.4 Regional passes. Parks may enter into interagency regional pass or reciprocal pass arrangements with one or more governmental or nongovernmental entities. A proposal to add a regional pass (multi-agency, single agency) must be included on the Recreation Fee Implementation Plan in response to the annual Fee Rate Change request. These arrangements must be approved by the regional director and authorized by the Associate Director, Business Services. Procedures and guidelines must be outlined in the park-specific fee operations manual.

6.1.5 Non-recreational passes. Parks that issue non-recreational passes (e.g., for employee or concessions personnel entry) are responsible for their design, production, and other costs. Non-recreational pass requirements and procedures must be addressed in the park-specific fee operations manual.

6.2 Expanded Amenity Passes. Parks may not create passes for expanded amenity fees. Parks with existing expanded amenity passes should consult with the regional office to eliminate them. Civic engagement is required because elimination of these passes may result in financial impacts to visitors. (See section10.3.)

6.3. Recreation Pass Acceptance

6.3.1 Entrance pass acceptance. Annual entrance passes are valid for entrance fees only. Annual entrance passes cannot be used to waive expanded amenity fees. The Interagency Senior and Access Passes, and the Golden Age and Access Passports may qualify the holder for a 50% discount on certain expanded amenity fees. (See section 6.4.)

Parks will ensure that all passes cover the entrance fee in a manner consistent with the definitions and criteria set out in FLREA section 3 and in RM-22A.

6.3.2 Transportation systems and pass acceptance. Entrance passes must be accepted for transportation fees when:

- the transportation system is mandatory to access the primary resource of the site, or
- the transportation fee is collected in combination with the entrance fee as a "seamless fee."

Any exceptions to this policy must be approved by the regional director and authorized by the Associate Director, Business Services. (See section 5.2.2.1 for Concessions-operated transportation systems.)

6.3.3 Commercial use of passes. Entrance passes are not valid for commercial use.

6.4 Lifetime Pass Discounts on Expanded Amenity Fees. Interagency (IA) Senior and Access Pass holders and Golden Age and Access Passport holders may receive 50% discounts on some expanded amenity fees. Detailed interagency policies for granting the discount are provided in RM-22A, including guidance related to services such as utility hookups, group facilities, guided tours, transportation systems, fees collected by concessioners, etc. Any exceptions to those policies must be approved by the regional director and authorized by the Associate Director, Business Services.

6.5 Recreation Passes as Awards, Gifts, etc. Passes must be purchased before they can be issued as awards (including employee awards), gifts, donations to charity, raffle items, etc. Interagency Senior and Access Passes may not be used as awards, raffle drawings, etc. because potential pass holders must provide proof of eligibility for these passes.

6.6 Data Collection and Reporting Requirements on Pass Sales and Usage

6.6.1 Pass use statistics. The Federal agencies that sell the America the Beautiful – the National Parks and Federal Recreational Lands Passes have agreed to establish pass use data collection procedures. The agencies will work to establish consistency in data collection elements and methods. Statistics should be gathered by those parks that have the ability to gather and transmit pass sale and usage statistics.

6.6.2 Reporting requirements for pass sales and issuance. Parks are required to report through the regions pass sales data, such as the number of interagency passes issued, refunded, or upgraded.

7. Group Fees

7.1 Non-commercial Groups. A *non-commercial group* is one that is traveling together, such as scouts, a club, a church, or a family reunion that has created its own itinerary. This may also include not-for–profit groups that derive no taxable income from providing leisure/recreational

services. Non-commercial groups should be charged in accordance with guidelines in RM-22A.

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.)

8. Exceptions to Paying Entrance Fees

8.1 Fee Exemptions. Those who lawfully enter or use a park for authorized activities not related to recreation will not be charged an entrance fee, expanded amenity fee, or special recreation permit fee.

Examples of non-recreation exemptions for *entrance fees* include persons entering parks for:

- First Amendment activities, which are exempt from all fees (as well as cost recovery, bonding, and insurance);
- Special park uses such as agricultural, grazing, and commercial filming activities (all of which are subject to special park use fees);
- NPS-authorized research activities;
- Federal, State, tribal, and local government business;
- Hospital in-patients involved in medical treatment or therapy;
- "Traditional" activities by members of American Indian tribes and other traditionally associated groups;
- Leaseholders and property owners accessing their property;
- Outings conducted for non-commercial educational purposes by schools and other bona fide academic institutions. (Under FLREA, academic fee waivers are granted only for entrance fees.)

Expanded amenity fees or *special recreation permit fees* may also be waived for non-recreation uses. For detailed fee exemption guidelines, refer to RM-22A.

The FLREA prohibits charging entrance fees to persons 15 years of age and younger. FLREA and/or other legislation prohibit certain park units from charging entrance fees. The Alaska National Interest Lands Conservation Act prohibits charging entrance fees to all national parks in Alaska except Denali National Park.

8.2 Fee Suspensions. The superintendent may suspend recreation fees when it is in the public interest to do so. Examples include emergencies, natural disasters, or whenever it is not feasible to collect fees. The superintendent must develop procedures for suspending fees and include them in the park-specific fee operations manual. Fee suspensions require notification and in some cases approval from the Associate Director for Business Services. (See sections 8.2.2 and 8.2.3.)

8.2.1 Mandatory fee-free days. (See RM-22A for specific operating guidelines.)

The NPS will annually observe the following fee-free days:

- **National Public Lands Day**, which is typically celebrated the last Saturday in September, is an interagency fee-free day, in accordance with a March 11, 2004 memorandum issued jointly by the Department of the Interior and the Department of Agriculture; and

- **Veteran's Day,** celebrated annually on November 11as an interagency fee free day to honor U.S. military veterans and current members of the armed forces and their families.

- **Other mandatory fee-free days.** Other mandatory fee-free days may occur through Presidential or Departmental declaration. These days will be communicated to the field through memoranda from the Associate Director, Business Services.

8.2.2 Additional fee-free days. The superintendent will notify the regional director, in advance, why a fee-free day is necessary, estimate potential loss of revenue and how the loss affects the park's comprehensive plan and deferred maintenance goals. If the regional director concurs, a memo from the regional director must be forwarded to the Associate Director, Business Services 30 days before the fee suspension or fee-free day is announced to the public.

8.2.3 Fee suspensions for emergencies and natural disasters. The superintendent will notify the regional director why the suspension is necessary, including the nature of the event or emergency; the reasons for suspending fees; the type of fees involved; the duration of suspension (number of days, dates); and an estimate of fee revenues lost due to the suspension. Notification will precede or promptly follow the event. The Regional Director must forward the notification to the Associate Director, Business Services.

9. Expending Fee Program Revenue

Expenditures of fee revenue will be closely monitored to ensure that they have a direct visitor connection and that the integrity of the program is assured. Guidance, including specific procedures, for allowable expenditures will be issued annually as part of the NPS Servicewide Comprehensive Call and in specific issue-related memoranda from the Director. Other guidance on FLREA expenditures, beyond what is contained in this Director's Order can be found in the FLREA Handbook developed by the participating Federal agencies, and in RM-22B, to be issued by the Associate Director for Park Planning, Facilities, and Lands.

Parks will submit a five-year financial management plan annually (called the Recreation Fee Comprehensive Plan, or RFCP) to provide the project approval mechanism for all fee revenue projects under $500,000. The exceptions are capital asset construction or alteration projects which require DOI, OMB and Congressional approval.

9.1 Fee Revenue Retention. A basic revenue split of 80/20 percent will be applied to all parks that gross greater than $500,000 annually, with the 80 percent being retained by the collecting

park. All other park areas will retain 100 percent of their revenue.

FLREA states that "not less than 80 percent of the recreation fees and site-specific agency pass revenues collected at a specific unit or area of a Federal land management agency shall remain available for expenditure, without further appropriation, until expended at that unit or area." FLREA also allows the Secretary to reduce the percentage allocation, but not below 60 percent, for a fiscal year if it is determined that the revenues collected at the unit exceed the reasonable needs of the unit for that fiscal year. The Secretary has delegated this authority to the Director, who has further delegated this authority to the regional directors for units that collect less than $500,000 per year in fee revenue.

Each park's revenue split will be based on a three-year average. Every three years the revenue stream will be reviewed and the retention rates adjusted for the next three-year period. Limited adjustments may be necessary due to one-time "spikes" associated with special events or anniversaries, and interim adjustments may occur with extreme loss of revenue due to catastrophic events. In order to assure accounting efficiencies certain minimum thresholds may be established for retention of fee revenue. The allocation will be specified annually via memorandum from the Director.

9.1.1 Administration and Overhead. NPS may use not more than 15 percent of total revenues collected for administration, overhead, and indirect costs related to the recreation fee program. Examples of administration, overhead, and indirect costs include:

- Budget development and program planning to include the administration of regional and national recreation fee programs.
- Administrative support (e.g., procurement, contracting, office services, property management, preparation, and distribution of reports, and document control).
- Support for interagency and Servicewide fee initiatives (e.g., the National Recreation Reservation Service (NRRS).

These administrative costs may be funded by assessing each fee-collecting park a small percentage or by some other means to simplify the administrative process. Eligible costs do not include costs which can be directly attributed to providing a specific service or executing a specific project such as a campground rehabilitation project.

9.2 Eligible Categories of Expenditures. In accordance with 16 U.S.C. 6807(a)(3)(A)-(F), the NPS will use fees at a specific site or area only for—

- repair, maintenance, and facility enhancement related directly to visitor enjoyment, visitor access, and health and safety;
- interpretation, visitor information, visitor service, visitor needs assessments, and signs;
- habitat restoration directly related to wildlife-dependent recreation that is limited to hunting, fishing, wildlife observation, or photography;
- law enforcement related to public use and recreation;
- direct operating or capital costs associated with the recreation fee program; and
- a fee management agreement established under 16 U.S.C. 6805(a) or a visitor reservation service.

9.2.1 The category "repair, maintenance, and facility enhancement related directly to visitor enjoyment, visitor access, and health and safety" includes new construction to replace a facility or provide a new facility as facility enhancement. The Interagency Fee Council has determined that health and safety projects are to be categorized as facility expenditures for visitor health and safety. Facilities projects over $500,000 must follow procedures described in Directors Order #90: Value Analysis, and receive WASO review to determine if a full Development Advisory Board review is required.

9.2.2 The category "interpretation, visitor information, visitor service, visitor needs assessments, and signs" includes backcountry orientation services, lifeguard services, and transportation services.

9.2.3 The category "habitat restoration directly related to wildlife-dependent recreation that is limited to hunting, fishing, wildlife observation, or photography" includes work that addresses threatened and endangered species. However, as stipulated in FLREA (16 U.S.C. 6807(b)), fees may not be used for biological monitoring under the Endangered Species Act of 1973 for listed or candidate species.

9.2.4 Projects under the category "law enforcement related to public use and recreation" should not supplant park operations and should address needs related to visitors, such as special events, natural disasters, and human/wildlife interaction.

9.2.5 The category "direct operating or capital costs associated with the recreation fee program" (also known as cost of collection or COC) includes costs that occur as a direct result of collecting, remitting, transporting, protecting, storing, or securing fee funds. Fee revenue retained by parks will fund direct collection costs. Allowable COC expenditures are detailed in the annual Servicewide Comprehensive Call (SCC). Superintendents should strive for the lowest possible cost-to-revenue percentage to operate their program. COC expenditures are submitted and approved as part of the RFCP process. In order to meet the Service-wide goal to keep the COC at or below 20%, each NPS region is assigned a COC target.

9.2.6 The category that includes "fee management agreement" allows parks to enter into a fee management agreement, including a contract, which may provide for a reasonable commission, reimbursement, or discount, with the following entities for the following purposes:

- With any governmental or non-governmental entity, including those in a gateway community, for the purpose of obtaining fee collection and processing services, including visitor reservation services.
- With any governmental or non-governmental entity, including those in a gateway community, for the purpose of obtaining emergency medical services.
- With any governmental entity, including those in a gateway community, to obtain law enforcement services.

Superintendents should be aware that a State or legal subdivision of the State that enters into an agreement or contract to provide one of the above services may share in a percentage of the revenues collected at the site. If a county submits a request to enter into a fee management agreement, and the superintendent decides not to enter into the agreement, the superintendent will notify the county in writing within 2 months of the request. The response must identify the reasons for the decision.

Other approved park specialized permit or reservation systems that provide orientation or education as part of the process should be submitted under the visitor services category. Examples are a backcountry permit operation or a wilderness use permit operation. The National Recreation Reservation Service (NRRS) is discussed in section 11 below.

9.3 Limitations. In addition to the limitation on using funds for biological monitoring under the Endangered Species Act, FLREA fees may not be used for employee bonuses.

9.4 Project Approval Process. All expenditure projects will be submitted and approved via the PMIS and in accordance with guidance provided in the annual Servicewide Comprehensive Call (SCC). The five-year RFCP will be the basis for approving all fee revenue projects under $500,000. The exceptions are capital asset construction or alteration projects which require DOI, OMB and Congressional approval.

9.4.1 Twenty percent funds. The Deputy Director for Operations, with the concurrence of the Director, will approve the projects to be funded with the 20 percent funds. Regions will continue to prioritize park projects to targets using the currently applicable distribution formula and determine which parks will be allowed to compete for 20 percent funds. Associate directors may submit projects to compete for 20 percent funds if the projects provide actions in parks that are more efficient and effective when centrally managed, address a need for a majority of parks, and do not supplant normal operations.

9.5 Program and Project Reviews and Audits. According to guidelines developed by an expenditures and collections team, program and project reviews, audits, and site visits will be conducted on a regular basis to track project status, fiscal compliance and adherence to collection guidelines. A Servicewide team will be available to audit large revenue or problematic parks at the request of the regional director and will perform on-site reviews as necessary.

9.5.1 Annual analysis. Annually, regional directors will use the RFCP to analyze individual park fee management programs and determine if a park's split should be changed to 60/40 for one year. Changes to a park's revenue retention must be based on either (1) park expenditure proposals that are inconsistent with Servicewide goals, or (2) a park revenue stream that exceeds reasonable needs. The Washington office may recommend to the regional director that a park's split be reduced to 60%. In addition, the Director may identify an immediate critical Servicewide need that could be addressed by a decision to redirect revenues through the use of a less than 80/20 split. Any reduction lower than the standard 20% will be identified by the regional director and reflected in the region's 20 percent prioritization target and follow the 20% project approval process.

10. Establishing and Changing Fees

10.1 Fee Rate Approval. Parks must obtain approval from the regional director and Associate Director, Business Services before establishing or changing entrance, expanded amenity, special recreation permit, or transportation fees. Fees may be established, implemented, or changed only in compliance with the annual Fee Rate Change Request process as outlined in RM-22A.

10.2 Fee Rate Changes for Commercial Groups/Tours. The flat-rate commercial group entrance fee schedule can be changed only by Associate Director, Business Services. Any change a park makes to the per-person rate also affects the rate for commercial sedans. Commercial-tour operators must be notified one year in advance of the increased rate.

10.3 Civic Engagement with the Public and Stakeholders. Park managers who consider establishing or changing a fee that results in increased financial impact to the visitor must engage the public and seek input from Congressional delegations, appropriate Federal, State and local officials, the local Chamber of Commerce, commercial tour operators, and the general public and other stakeholders before a new or changed fee is proposed to WASO.

New fees established through the annual approval process outlined in RM-22A usually take effect the following January. If a new fee area is established (i.e., a park has never charged a fee under the FLREA), the park must coordinate with the regional fee manager to publish notice in the Federal Register six months before the new fee is implemented. Specific guidelines for civic engagement are found in Director's Order 75A: Civic Engagement and Public Involvement, and RM-22A.

10.4 Requirement to Post Signs. The FLREA requires that clear notice of any entrance fee and available recreation passes be posted at appropriate locations (such as entrance stations and other fee collection sites) in each unit or area where those fees are charged. To the extent practicable, parks shall post clear notice of locations where work is performed using recreation fee or recreation pass revenues collected under FLREA.

10.5 Fee Reporting Requirements. All fee rates and other information for entrance, expanded amenity, and special recreation permit fees collected under FLREA must be reported during the annual approval process outlined in RM-22A. In addition, recreation fee rate information for transportation, special interpretive/living history, and other similar recreation fees collected by concessions or cooperating associations must be reported in the annual call in order to consolidate and better manage recreation fee information.

11. National Reservation Service

As stated in section 8.2.6.2 of *Management Policies 2006,* superintendents are encouraged to participate in a reservation service for campgrounds and other facilities, and for tours or other services operated or provided by the NPS for visitors, when doing so will:

- better serve park visitors, or
- ensure the protection of park resources, or
- increase public awareness of lesser-known parks, or

- improve the efficiency of park operations or administration.

If a reservation service is employed in a park, the National Recreation Reservation Service (NRRS) will be the preferred provider of that service. NRRS services may be expanded, or new services may be developed based on NPS needs and the contractor's capacity to accommodate the needs. If a superintendent wishes to participate in a different reservation system a determination must first be made that the NRRS will not accommodate the park's reservation needs, and authorization must be obtained from the Director. Concessioners who manage lodging and camping services are not required to transfer their existing reservation services to the NRRS. However, they are encouraged to do so when it is administratively, operationally, and financially feasible, in order to provide more seamless reservation services to the public.

11.1 Resale or Auction of Advance Reservations is Prohibited. Advance reservations made through the national reservation service may not be advertised or otherwise offered for resale or auction.

12. Personnel

Fees may be collected by NPS employees, volunteers, or cooperating association employees. Criteria are detailed in RM-22A and include but are not limited to: training, background investigations, and fee collector designations. All fee collectors, regardless of employment status, must be trained in fee revenue collection and accounting procedures. In addition, all personnel must be provided a safe and secure workplace and be informed of safety and security procedures. (For personnel collecting fees under a fee management agreement, see section 13.)

12.1 Background Investigations. NPS employees, who handle Government monies including seasonal, temporary, and permanent, fee collectors, are required to undergo specific background investigations. Volunteers may also be required to complete a background investigation (see below). Background investigation procedures are defined by the Office of Personnel Management and detailed in RM-22A. All background investigation information is confidential and subject to the provisions of the Privacy Act.

12.1.1 Volunteers with fee collection duties. At a minimum, volunteers with fee collection duties must be bonded by a surety bond. Volunteers may also be required to complete a background investigation. (See RM-22A.) As stated above, volunteer fee collectors must receive the same training, designations, and considerations as other fee collectors.

13. Fee Collection and Third Party Sales Arrangements

FLREA section 6(a)(1) authorizes parks to enter into fee management agreements with "Governmental or non-governmental entities including those in a gateway community for the purposes of obtaining fee collection and processing services," such as sale of passes or collection of entrance and other fees. There are a variety of agreement instruments that can be used,

depending on the scope, complexity and whether or not the NPS compensates an entity for services provided. For example, a more formal contractual agreement would be required for paid services, whereas a simple general agreement for fee management would be appropriate when no government compensation is provided. (See also section 9.2.6 and RM-22A.)

13.1 National Third Party Sales of the America the Beautiful – the National Parks and Federal Recreational Lands Pass. The WASO Fee Collections Program office, in consultation with the regional fee managers, will negotiate agreements or contracts with large national corporations or organizations for nationwide promotions or sales of passes. All internet sales of the America the Beautiful - the National Parks and Federal Recreational Lands Pass will be provided only through the primary fulfillment vendor and approved national third-party vendors.

Further guidance is provided in RM-22A and in the interagency Marketing Guidelines and Policies (provided as an appendix to RM-22A).

14. Accountability

Superintendents must comply with U.S. Department of the Treasury and NPS procedures for accounting, depositing, remitting, and reconciling revenue, as described in RM-22A. Specific requirements are detailed in RM-22A, including dual controls, separation of duties, internal controls, frequency of deposits, shortage and overage waivers, background investigations, park-specific fee operations manuals, debt collection procedures, and frequency of in-park audits.

14.1 Checks and Social Security Numbers. Under the Debt Collection Improvement Act of 1996, parks are required to obtain a Tax Identification Number or Social Security number (SSN) when accepting checks that meet a minimum dollar threshold in order to collect on a debt if the check is returned. When a SSN is required, a Privacy Act disclosure statement must be made available. The park's check acceptance and debt collection policy must be addressed in the park-specific fee operations manual. Details, including dollar thresholds and a suggested Privacy Act disclosure statement, are provided in RM-22A.

14.2 Fee and Pass Misuse, Theft, or Fraud

14.2.1 Internal fee and pass misuse or fraud. Superintendents must provide fair, legal, and efficient procedures to detect and curb fee misuse, theft, or fraud. If an audit, internal review, or other internal control procedure indicates any financial irregularity associated with the fee program, the superintendent must immediately report it to the regional director.

14.2.2 External fee and pass misuse or fraud. Procedures for detecting and curbing external fee and pass misuse, theft, and fraud are described in RM-22A. These include procedures for requesting photo identification to verify pass ownership and for identifying passes used improperly.

14.3 Recordkeeping. Accurate and current records must be maintained regarding administration of the fee program and expenditure of fee revenues, in accordance with Director's Order #19: Records Management.

----End of Director's Order----