

Under present law and regulations, areas where fees are to be charged must meet the following conditions. They must (1) be administered by any of the agencies listed above; (2) be administered primarily for scenic, scientific, historical, cultural, or recreation purposes; (3) have recreation facilities or services provided at Federal expense; and (4) be of such nature that fee collection is practical.

Enactment of S. 2828 apparently would exclude practically all recreation areas administered by the Corps of Engineers from fees charged under authority of the Land and Water Conservation Fund Act of 1965 or any other provisions of law.

If recreational uses of these areas are to be made available to the public at no charge, such policy would seem to be a departure from that established under recent legislation and would tend to weaken current efforts toward achieving a coordinated national program of public outdoor recreation.

In accordance with the Executive Order referred to above, the Secretary of the Interior adopted regulations and coordination measures to carry out the purposes of Sections 2(a) and 4(a) of the Land and Water Conservation Fund Act of 1965, and the provisions of the Order itself. It seems to us that these measures permit sufficient flexibility to develop a management system for projects administered by the Corps of Engineers in conformance with their characteristics and capabilities. In the event that areas do not meet the criteria for designation under the Land and Water Conservation Fund Act of 1965, no fees are to be charged. Similarly, if areas do meet the criteria, fees are to be charged for admission to, or use of, an area. Such charges would be selected from a schedule of fees in consideration of the nature of facilities, equipment, services available, and other pertinent factors.

The Bureau of the Budget advises that there is no objection to the presentation of this report from the standpoint of the Administration's program.

Sincerely yours,

ORVILLE L. FREEMAN.

DEPARTMENT OF THE ARMY,
Washington, D.C., January 29, 1968.

Hon. HENRY M. JACKSON,
Chairman, Committee on Interior and Insular Affairs,
U.S. Senate.

DEAR MR. CHAIRMAN: Reference is made to your request for the views of the Department of the Army with respect to S. 2828, 90th Congress, a bill "To amend the River and Harbor Act of 1965 to prohibit certain fees from being charged in connection with projects administered by the Secretary of the Army."

This bill would amend the River and Harbor Act of 1965 (79 Stat. 1089) so as to prohibit the charging of any fee, under the Land and Water Conservation Fund Act of 1965 (78 Stat. 897) for access to, or use of minimum recreational facilities of, any project administered by the Secretary of the Army. This prohibition is assumed not to apply to fees collected by State or local interests in the administration of project areas which have been leased to them. This bill would also prohibit the charging of a fee for the issuance of any permit or license for any boat mooring or docking facility, duck blind, ski-jump float, swimming or diving platform or raft, or any other similar floating facility on any of the waters of any project administered by the Secretary of the Army. The Secretary would not, however, be prohibited from requiring a permit or license for any such floating facility.

The Department of the Army is opposed to the bill.

With regard to the first prohibition, prior to 1965, consistent with the provisions of Section 4 of the Flood Control Act of 1944, as amended, such fees were not charged at water resources development projects administered by the Department of the Army. The Land and Water Conservation Fund Act of 1965, provided for the charging of such fees. This Act was supplemented by Executive Order 11200, which authorized the Federal agency heads to impose entrance and user charges beginning April 1, 1965. The President delegated to the Secretary of the Interior the responsibilities of establishing a recreation fee schedule, with each agency head empowered, within the limits of the schedule, to fix specific charges at each designated area.

The Act provides for an integrated, coordinated program which involves every Federal agency with any significant responsibilities in the field of public recreation. Its general purpose—the improvement of outdoor recreational possibilities